WORKING TOGETHER TO END WIFE ASSAULT:

A Handbook for Victim Support Workers

VICTIM ASSISTANCE PROGRAM

MINISTRY OF ATTORNEY GENERAL
AND
MINISTRY OF WOMEN'S EQUALITY

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Introduction

Who This Handbook is For

This handbook is for people who work with victims/survivors of wife assault.

- You may be a worker at an agency that serves a specific cultural community.
- You may be a worker at any other agency that has contact with assaulted women.

Why This Handbook was Developed

It is essential that a woman who has been assaulted receives help and support as she makes her way through what will be for her a very difficult and emotional process.

Your aim in working with wife assault victims will be to help the woman make use of the justice system and community resources as she chooses to.

In providing effective support to wife assault victims, it is important to understand and respect the diversity of cultures the women come from. Any interaction between you and the woman will be enhanced when you are aware of how her views have been shaped by her own cultural experiences, and how your own views have been shaped by your cultural experiences.

In order to provide effective support to assaulted women, workers need to know in what ways their clients' values and experiences may be similar to their own, and in what ways they may differ.

For example, not all assaulted women view "the family" in the same way. Not all have the same feelings about what is public and what is private. Some women have come from countries where there are very clear urban/rural distinctions. Some have come from military dictatorships where an appeal for help to a person in authority is foolishness. Many come from communities in which to speak out about the assault is to bring shame to the family name, and to risk social isolation.

In order to provide effective services for assaulted women, those services need to be culturally sensitive. We need to recognize and respect the experiences of women from every different community.

This handbook keeps in mind that the Canadian society that we now live in has many heritages. We have many communities and many cultures, all of them Canadian, and each of them with a different heritage.

- There are the First Nations.
- There is the dominant culture, which is essentially Euro-based and (in British Columbia) predominantly English-speaking.
- There are communities in which English is not the first language. These may also be communities of people of colour. A significant number of people in these communities are recent immigrants to Canada.

This handbook focuses on the experiences and needs of assaulted women within these last two communities. It seeks to include, recognize and respect different cultures and different communities. Canadian women of African, Asian, European, Iranian, and South Asian heritage, for example, can be victims/survivors of wife assault.

This handbook does not specifically address the profound needs of First Nations women. It acknowledges that those needs would be best met in a separate handbook, developed by and relevant to aboriginal women.

It is Important Not to Form a New Set of Stereotypes

In this handbook we try to describe the most significant cultural factors that may be relevant to an assaulted woman's experience.

In looking at these factors, however, it is very important not to form a new set of stereotypes. While there are shared values, beliefs and experiences within each of the cultural communities, there is also widespread diversity within each community. Social class, religion, level of education, area of origin (including rural or urban) and work experience are just some

examples of diversity. There are also individual differences. One woman's experience within an extended family, for example, may be one of support. Another woman's experience may be one of isolation.

It is misleading to look at all immigrant women/women of colour/women whose first language is not English/ as a homogeneous group. As a support worker, you are responding to the unique circumstances of each woman. This handbook was prepared in the hope that it may assist you in recognizing what those unique circumstances are.

Often, workers will find that the pressures upon an assaulted woman from a culture that is different from their own are very familiar ones, only they may be more intense. For example, the pressure to stay within the marriage no matter the cost can be experienced by a woman whose great-grandparents came from England, or from China. This pressure may be experienced in a more intense way by a recent immigrant from a rural village in the Punjab or mainland China.

Women whose first language is not English are under very specific pressures. It is difficult and intimidating for an assaulted woman to approach an agency where the workers do not speak her own language; she needs special assistance in accessing relevant services.

How This Handbook is Organized

This handbook contains the following information:

- Background information on wife assault in our society.
- A description of specific cultural factors that can impact upon an assaulted woman.
- A guide to dealing with aspects of the justice system that affect wife assault victims.
- A guide to the resources within our communities.

Part 1: Wife Assault in Our Communities

This part presents background information on wife assault drawn from a number of relevant studies. It reviews current research, and looks at the myths and realities.

Part 2: Cross-Culturally Relevant Factors

This part looks at pressures upon assaulted women that may result from specific family experiences, language barriers, and social experiences in the country of origin. It looks at the relevant factors within the phases of immigration and acculturation, and at the effect of systemic racism upon an assaulted woman's experience as she tries to protect herself.

Part 3: Crisis Intervention

This part deals with the initial urgent need for safety and support. It includes information on assessing the immediate situation and establishing trust and support.

Part 4: Ongoing Safety and Protection

This part deals with ongoing concerns of protection, legal advice, finances and housing, as well as the emotional and mental health of the woman and her children.

Part 5: Assistance in the Court Process

This part provides information on how to prepare for court, and what will be involved in the court process. It includes information about interpretation needs.

Resources

The pamphlets, booklets and lists of resources referred to in the text are available from the agencies listed in the Resources section.

Notice

At the time this publication went to print, the B.C. Wife Assault Policy was under review. Please be aware that all references in this manual are to the 1986 policy.

Part 1

Wife Assault in Our Communities

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Part 1

Wife Assault in Our Communities

Introduction

The social context within which wife assault exists contains the most important set of factors in understanding wife abuse. Wife assault occurs in all cultural communities within our society, just as it occurs at all socio-economic levels.

The overwhelming majority of violence between spouses is committed by men against women. The language used to describe wife assault often hides this fact. Phrases such as "domestic violence" and "spouse abuse" do not tell the truth about who is doing what, and to whom.

While legally correct, the term "spousal assault" does not represent reality.

Although some men are assaulted by their female partners, research shows the percentage to be small. The Scottish team of Dobash and Dobash (1979) found it to be 1.1% of violence in the home.

1.1 An Historical Perspective

The social attitude that it is a man's right and responsibility to control his wife's behaviour has become embedded in many societies over the centuries.

Wife assault is nothing new. Abuse of women has been condoned throughout history and in many different parts of the world. It was a common and accepted practice in many countries for many centuries for a man to abuse his wife physically and to regard her as property.

- Wife beating and wife killing were rights accorded to Greek and Roman men.
- In an old Chinese saying, the excerpt, "a wife married is like a pony bought; I'll ride her and whip her as I like" reflects the fact that physical violence against women was condoned.
- An 18th century British law said that a husband could beat his wife with a rod no thicker than his thumb, in order to maintain discipline. This became known as "the rule of thumb."
- In Vietnam there is a traditional saying, "Discipline your child when young. Discipline your wife when you first marry her."

Between 1909 and 1960, the Canadian *Criminal Code* contained a special offence of wife battering. The effect of this section was that a woman who was beaten by her husband had to demonstrate a greater degree of bodily harm than was required in other cases of assault.

In Canada, it is only within the last 100 years that wife assault has been considered illegal. Until that time the law simply regulated the extent to which men could physically "discipline" their wives.

Over the past two decades awareness of the dimensions of the problem of wife assault has grown dramatically. There have been significant legislative changes, improvements to police, Crown and corrections policies, and the growth of shelters where assaulted women and their children can find refuge.

There have also been massive public education efforts to publicize the fact that, in Canada, assault is a crime when it occurs inside the home, just as it is a crime when it occurs outside the home.

Credit for starting this awareness must go to the pioneers in the battered women's movement. They provided safety through shelters so that battered woman could come forward and be believed and helped. They demanded that the criminal justice system recognize wife assault as a crime.

In recent years, there has been widespread discussion of wife assault at the community level, and the need for culturally appropriate services has been identified.

In 1984, the Ministry of Attorney General of British Columbia implemented a new justice system policy. Under that policy, the police begin the process of laying charges against a man where there is evidence that he has assaulted his wife or intimate partner. There is evidence that where arrests and prosecutions do take place, the number of repeat offenders is reduced.

Wife assault is a crime like other forms of assault. Our society as a whole has made a very strong statement that violence against intimate partners will not be tolerated. But women are still abused by men.

1.2 Societal Beliefs and Values

It is now widely accepted that in our various heritages, we have been brought up with certain values and beliefs about relationships between men and women, about marriage and the family, and about the expression of affection and anger. This section looks at how some of these values and beliefs can operate to create a situation where wife assault occurs and is allowed to continue.

Societal beliefs contribute to violence against women. Fran P. Hoskins, editor of *Women's International Network News*, states that violence against women exists in every society in the world where the male-headed family structure prevails.

The Traditional Female Role

Consider these two stories:

A King and Queen live in a distant country. They are happy together.

But one day the King says to the Queen: "What will you do if I die?"

The Queen says: "If you die I will not live one day longer."

The Kings tests her loyalty and devotion. When he's out at battle, he arranges to have word sent back that he is dead.

Upon hearing this news, the Queen keeps her promise. She dies on the spot.

Her reward is that the King and all the people in his kingdom revere her as a goddess.

•

A rich man marries a poor girl of great beauty. To test her enduring patience and wifely devotion, he throws her out of his kingdom, and pretends to her that he has killed their children. He tells her he plans to marry another. He even brings her back to his palace to help prepare the wedding celebrations for the new wife.

Throughout all this, she never once utters a single word of reproach.

"You are my lord," she says. "Do with me what you will."

Finally, the rich man decides that she in fact is a faithful and worthy wife. He reveals that he had just been testing her all along—her children are alive and he does not plan to marry another.

They live happily ever after.

The first story is from the Hindu tradition. The second, the story of Griselda, is from the Euro-based Christian tradition.

•

When we look at traditional values and beliefs about female roles within male-dominated countries, what is striking is how much they have in common. In very many societies, women are subordinate to men. Women are expected by men to be virtuous, gentle, modest, patient, long-suffering and obedient. To endure without complaining is a sign of virtue.

Women are expected to sacrifice themselves for their family. They are responsible for maintaining the family as a unit, and their primary obligations are to other family members. Women have been trained to think of themselves as selfish if they put their own needs ahead of others.

This places an assaulted woman in a lose/lose situation. If she remains in the abusive relationships, she is accused of "accepting" the abuse. If she leaves the relationship, she has "failed" to keep the family together.

The Privacy of the Home

- *Don't air your dirty launary in public.*
- *This is my home, I can do what I want here.*
- *It's not my business to interfere in private family matters.*
- *Women are ashamed to speak out.*
- *The family is betrayed if she tells.*
- *Outsiders do not intervene.*
- *If word gets out, nobody will want to marry my children.*

One of the most firmly embedded ideas about family life, whether it is within a nuclear family or an extended family, is that what goes on inside the home is private.

For this reason, assaulted women may be extremely reluctant to seek and/or accept any therapeutic help from anyone outside the immediate family. This may be particularly true of women from cultures where the extended family is of central importance. A woman may incur social "shame" and bring disgrace to the good name of the family by involving outside agencies in family matters.

The effect is that she may leave the abusive relationship only under extreme duress, when all other avenues of resolution appear to be completely closed.

Within the diverse cultures of our society, the family is a sacred institution and the home a private place. No one from the outside has the right to intervene. Family loyalty is expected. What goes on behind closed doors is private business.

> *The family is the main source of identity and loyalty is primary.*
>
> —Waxler-Morrison, Cross-Cultural Caring, The Vietnamese 1990: 188

> *Family problems are considered personal and private. Solutions are sought within the family, or sometimes with the assistance of close friends. However, in most cases, the doors are firmly closed to involvement by outsiders, including professionals.*
>
> —Waxler-Morrison, Cross-Cultural Caring, The Cambodians and Laotians 1990: 18

Extended, traditional families may attempt to deal with problems internally. Seeking outside or state assistance may be seen as largely unacceptable, since problem-solving is supposed to occur primarily within the family. Exposing a problem to an outsider may be regarded as a statement that the elders have failed.

> *Few families will acknowledge the existence of the problem [of wife assault] when it is at an early stage; often, by the time they approach outside resources for help, the problem has reached calamitous proportions.*
>
> —Ng, 1985: 36

Children's Needs

Many women stay in abusive situations because they believe that their children need their father.

- *What will happen to my children's future if I leave him?*
- *I have to stay because of the kids.*
- *He's a good father even though he does hit her once in a while.*
- *At least he doesn't hit the kids.*

Research indicates that children are not safe in any home where there is ongoing abuse. Children who live in a family where the man abuses the woman have an 80% chance of witnessing the abuse (Jaffe et al. 1990). The behavioural effect of the abuse is estimated to be the same as if the child has been personally physically battered.

Children who witness wife abuse have a greater likelihood of repeating abusive patterns or being victimized as adults, and of being involved in criminal activity later in life (Jaffe et al. 1990).

Victim Blaming

Blaming the victim is so common that it demands special attention. Here are some statements that reflect this belief:

- *What did you do to make him hit you?*
- *Your husband's such a nice guy. You must have done something wrong.*
- *If you really don't like what he does, why don't you just leave?"*

Remarks like these are an attack upon the assaulted woman's self-image. They add to her self-doubt and convince her that she really must be responsible for the violence. The abuser can also blame her for causing the abuse. He may excuse his physical violence by saying that she did something that "made" him lose control.

Blaming the victim is one of the easiest pitfalls for the worker to fall into, especially if efforts to assist the assaulted woman have not been successful and the worker is feeling frustrated and angry.

Assaulted women, like all other people, are not perfect. You may find some of them unlikable. It may be tempting at times to believe that they are at least partly responsible for their abuse. The bottom line is this:

Violence is never an acceptable form of interaction. No one deserves to be beaten.

1.3 Forms of Wife Abuse

There are four basic kinds of abuse inflicted on women by their partners.

All are intended to harm, frighten or control the woman. The interaction and threat of these different forms of violence can make the woman feel fearful and afraid, even during times when physical abuse is not actually inflicted.

Most women who are abused are not abused in just one way. In fact, most battered women are physically, emotionally, sexually and economically abused over and over, in many different forms.

The abuse is constant, and most battered women are subjected to all of the forms simultaneously. The violence becomes a pattern of control, and the woman is constantly in fear.

Physical Abuse

Physical violence or threats of violence against a person are called "assault." Assault is a criminal offence.

Physical assault can take the form of hitting, shoving, slapping, beating with fists or choking. It also includes striking with weapons, such as guns, knives and axes. The physical damage can be severe and it can end in murder.

Sexual Abuse

Sexual abuse can take the form of forced sexual activities, sexual violence, humiliation, excessive jealously and use of penetrating objects.

Sexual assault is an offence under the Canadian *Criminal Code*.

Psychological Abuse

Psychological abuse can take many forms, including:

- threats to use violence against the woman or her children
- threats that she will bring shame to her family of origin, or to her children
- threats to have her deported

It also includes:

- forcing her to commit degrading acts
- accusing her of sexual infidelities or inadequacies
- terrorizing her by driving recklessly or playing with a gun or a knife
- belittling or attacking her beliefs or efforts to better herself
- controlling her activities
- depriving her of food and sleep
- depriving her of money
- using degrading "humour" against her
- ostracizing the woman, either inside or outside the home
- not allowing her to do ordinary things, such as obtain a driver's licence

These psychological abuses wear the abused woman down and keep her in constant fear. They are often combined with other forms of abuse and can end in murder.

Destruction of Property and Pets

These acts can include tearing up family photo albums, breaking household objects, even killing a family pet. This form of abuse is sometimes seen as less threatening. "At least he's not taking it out on her." But the target is carefully chosen and the message is clear: "Next time it may be you."

1.4 Some Statistics

- At least one in eight Canadian women is assaulted by her husband or live-in male partner (MacLeod 1987).
- One quarter of Vancouver's 41 homicides in 1991 were a result of male violence within the family (Vancouver *Province* 1991).
- On average, during 1990 in Canada two women were killed by their partners every week (Canadian Advisory Council on the Status of Women [CACSW] 1991).
- One million women in Canada are abused physically by their husbands or partners each year (CACSW 1991).
- The majority of women murdered in Canada in 1990 died as a result of wife assault (CACSW 1991).
- Women are 13 times more likely to be abused in their own home than by a stranger on the streets (Jaffe et al. 1990).
- It is likely that between 50,000 and 70,000 school-age children in British Columbia have witnessed violence directed against their mothers (Jaffe 1988).

1.5 Dynamics of Wife Abuse

Power and Control

Violence is used by batterers to establish their position of authority over their partners.

The violence is not simply an act of temper or loss of control. A batterer uses abusive tactics to control his partner's actions. He succeeds because of her fear and isolation.

- A batterer may use any combination of a number of different techniques to assert his power and control over his partner. These may be physical, sexual, economic, or emotional in nature. For example, a man may humiliate the woman in front of guests. Or he may beat her in front of his friends, to prove that he is "a man" and is in charge of his wife.
- The **power and control wheel** gives us an idea of the range of abusive tactics used against women. Physical and sexual violence are often combined. The threat to a woman's physical safety intensifies her experience of the abuses found in the spokes of the wheel.

The power and control wheel was developed by workers with battered women. It is based on the most common tactics survivors reported that their abusers had used.

Each spoke of the wheel represents a particular tactic (economic abuse, emotional abuse, threats, etc.). The rim of the wheel, which gives it strength and holds it together, is physical abuse.

At the hub of the power and control wheel, at the centre, is the abuser's intention: to hold on to power and control.

- These tactics may be very difficult to detect at first, but they creep into a woman's relationship until one day she realizes how they are affecting her.
- The abusive tactics get more extreme over time. They often begin in such a way that they are not identified as abusive by the woman.

How do battered women talk about their situations?

Women often talk about horrific situations as if they happened to someone else. In most cases, the abuse will have occurred many times before the first outsider knows about it.

Isolation, putting on a front to friends and family, and the necessity of holding in her feelings so that she can keep the family going all contribute to the woman's practice of distancing herself emotionally from her situation.

It is important that we recognize these women as survivors who keep themselves and their children going on a daily basis despite all the odds. For many, the strength they have had to use to survive will become the strength they will use to change their situation.

Stages in the Battered Woman's Experience

Stage One: Denial

An abused woman's most common response to early battering incidents is to deny there is a problem. Denial is a common human response to any traumatic experience.

If she grew up with violence, a woman may downplay the incident ("He only shoved me.") or

Power and Control Wheel

PHYSICAL ABUSE
pushing, shoving, hitting
slapping, choking, pulling hair
punching, kicking, grabbing
PHYSICAL ABUSE
using a weapon against her
beating, throwing her down
twisting arms, tripping, biting
ISOLATION
Controlling what she does, who she sees and talks to, where she goes.
EMOTIONAL ABUSE
Putting her down or making her feel bad about herself, calling her names. Making her think she's crazy. Mind games.
INTIMIDATION
Putting her in fear by: using looks, actions, gestures, loud voice, smashing things, destroying her property.
ECONOMIC ABUSE
Trying to keep her from getting or keeping a job. Making her ask for money, giving her an allowance, taking her money.
POWER AND CONTROL
USING MALE PRIVILEGE
Treating her like a servant. Making all the "big" decisions. Acting like the "master of the castle".
SEXUAL ABUSE
Making her do sexual things against her will. Physically attacking the sexual parts of her body. Treating her like a sex object.
THREATS
Making and/or carrying out threats to do something to hurt her emotionally. Threaten to take the children, commit suicide, report her to welfare.
USING CHILDREN
Making her feel guilty about the children, using the children to give messages, using visitation as a way to harass her.

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may believe that violence is normal. If she did not grow up with violence her image of "a battered woman" may be someone who is poorly educated or low-income, and she does not want to perceive herself in that way. She may tell herself that it is her "duty" not to complain, and that accepting the suffering is a sign of maturity.

The couple probably does not discuss the incident for fear that talking might trigger more incidents.

Stage Two: Blaming Herself

Guilt and turmoil characterize the woman's feelings as she begins to recognize that she is battered. Three factors contribute to her blaming herself:

- **Low self-esteem**: Even if she started with a high level of self-confidence, being abused makes her doubt her worth. She begins to believe that she deserves the abuse.

- **Others blame her**: Her husband is likely to blame her ("If you kept the kids out of the toolbox, I would not have to get mad.") and she accepts responsibility for his actions. The family may blame her, and in some instances may even encourage the abuse. Widespread public opinion that "she must have asked for it," and that women are responsible for what happens in a family reinforces that she is to blame.
- **She needs to feel some power**: As things get worse and she feels more and more powerless, she can get some sense of controlling the situation if she believes she causes it. The logic goes: "I must provoke him to hit me. If it's me that makes him do it, I could stop provoking him and then he would stop hitting me. I'll try harder."

Stage Three: Seeking Help

Reaching for help is often a negative experience for an abused woman.

Friends and family may not believe her, or may tell her that she is to blame, or that, "You made your bed, now lie in it." There may be very strong social sanctions against taking the problem to outsiders. She may be blamed for bringing disgrace to the family name.

She may find that police, lawyers and the legal system are guided by rules set up to protect the civil rights of the assaulter rather than the victim.

She may find that doctors, counsellors and other helpers do not have an in-depth understanding of her situation. The common belief that violence in the home is a family affair may mean that helpers are reluctant to intervene.

Stage Four: Ambivalence

Those who work with abused women say that 80% to 90% of women leave and return to the relationship more than once. As the abused woman goes through this ambivalent stage, potential helpers can become very frustrated. They may want to give up on her.

During this stage, the woman is trying to decide whether to leave or stay. She must go back and forth to help her decide.

She may try counselling to salvage the relationship. However, few assaulting mates will attend counselling, and even if they do, counselling alone seldom stops the abuse. Counselling in combination with external control (such as a restraining order) has sometimes made a difference.

Although nearly all assaulted women go through the pattern of ambivalence, each does so in her own way. The woman may leave and return few or many times; she may come to a resolution gradually or suddenly. The ambivalent stage may last for years.

Stage Five: Living without Violence

Some say it takes five years to recover from a violent relationships. Some say it takes forever. Fear, low self-esteem and flashbacks of the violence may plague the woman.

(Reprinted from *Breaking the Pattern*, Alberta Social Services and Community Health, 1989.)

Is there a pattern to the abuse?

Some women recognize a cycle to their violent partner's behaviour. This cycle applies to many—but not all—battered women's relationships. Some women can predict when their partners will be abusive. Others are never sure when their partners will demonstrate their "ugly side."

Phase One: Tension Build-up

He attacks her with insults, put-downs and accusations. As the tension builds, she becomes more passive, while he becomes more oppressive.

Phase Two: Acute Battering Incident

Tensions that built up in phase one erupt into violence. The incident is usually triggered by an external event or internal state of the man, rather than by the woman's behaviour. It is during this stage that the woman is most likely to be sexually assaulted, injured or killed.

Phase Three: Honeymoon Stage

After the battering incident, the man becomes loving, kind and contrite. He begs forgiveness and promises it will never happen again.

After a while, tension begins to build and a new cycle of violence begins.

Over time, the honeymoon periods become shorter, and the tension and violence increase.

The pattern that is common to all these relationships is that **over time the violence gets worse** and the occasions of calm get fewer. The woman becomes more and more isolated from outsiders and fear is always present.

1.6 Why is it so hard to leave?

Most women who have been battered have at some time heard another woman say, "The first time a man ever hit me, I'd walk out."

It's not that simple, especially for a woman whose identity rests upon her place within an extended family. The idea that she might put her own needs above those of the family may appear to her to be some extreme kind of individualism. It may feel like selfishness.

Feelings of responsibility for family cohesion and harmony, lack of access to culturally appropriate services, language barriers, and loss of traditional methods of dealing with abuse all combine to make it very difficult indeed to leave.

1. In the early stages of the battering, the woman sincerely hopes that her partner will change, and that the battering will stop. She may try to communicate with the man, and may be told that it is none of her business to be asking questions. A woman who has been brought up to feel responsible for family cohesion and harmony may believe that it is her problem, and that it is her duty to endure it.
2. When it becomes clear that the battering is not going to stop, she may try to get help from family and friends. However, family and friends may be unwilling to get involved. Or the woman may, as an immigrant, be cut off from her own parental family and traditional support networks. Or the woman may not want family and friends to be involved because of fear for their safety, as well as her own.
3. She may eventually try to leave, and may seek help from outsiders. This is often an extremely serious decision. For many battered women, the choice is between the battering and a life of poverty. She may also fear that if she leaves, her children will be taken away from her. She may fear that her children's chances of making a suitable marriage will be ruined if she leaves the family.
4. Community institutions are set up not to provide alternatives but to reinforce the family. This is especially true for women whose community is organized around extended family loyalties.
5. Many women have mixed feelings about their marriages. They hesitate to leave a man who may not be all bad, and they may have a strong internalized sense of failure if the marriage ends.

Why hasn't she left yet? Why is it taking her so long?

Family support workers from some minority ethnic communities have commented that "mainstream" workers sometimes express impatience with the assaulted woman's behaviour, and with the family workers' "lack of progress." The messages can be, "Why hasn't she left yet?", and "Why are you taking so long to convince her she has to get out?"

These family support workers point out that westernized ideas about taking care of one's own needs, and of putting oneself first, are totally foreign to assaulted women who have been raised to believe that what happens to the family is the most important thing in their lives.

These workers explain that the key to understanding the dilemmas that face an assaulted woman from an extended family tradition is to understand the central role of interdependence. Once that is understood, all support workers are in a better position to appreciate what is at stake for the assaulted woman. If she leaves the family, she is leaving not just the abuser but her source of identity. She is being forced to challenge definitions learned from childhood about what a "good" woman is, and how she should sacrifice her own interests to those of others.

Part 2 looks at some length at the extended family, and what it means to the assaulted woman.

1.7 Explanations of Wife Assault: Some Myths Examined

Mental Illness is the Cause of Wife Assault

The incidence of wife assault is too high to be explained by mental illness. These same husbands do not attack their bosses or friends. They are selective in their targets. Wife assault is not a sickness; it is a crime.

Alcohol Causes the Man to Beat His Partner

Although many batterers use alcohol, the alcohol is not the cause of the violence. Research indicates that many assaulters drink in order to act out their violent wishes. The alcohol makes it easier to abdicate responsibility for their behaviour.

Men Beat Women Because the Men Are Under Stress

This theory argues that violence is a response to stress caused by role expectations, lack of resources, etc. The theory does not explain why the chosen target of the violence is most often women. In fact, men who beat their wives rarely threaten anyone outside the family.

It does not explain why women under stress do not attack men. And it does not explain why many men under stress do not beat women.

A man relieves stress by beating his wife because he believes it is his right to use violence and to dominate women, and he lives in a culture that reinforces this belief.

A Man's Lack of Money or Loss of Status Causes Him to Beat His Partner

This theory suggests that a man uses violence to assert dominance when he does not have other trapping of dominance, such as money or status.

However, many "successful" men, high on the socio-economic ladder, beat their wives. Wife battering crosses class and economic lines, as well as cultural ones.

Women Provoke Violence

Studies show that in most cases there was no verbal argument before the beating. The actions of the women have little to do with the actions of the men. In most cases, the woman will try very hard not to do or say anything that might "upset" the abusive husband. This myth accepts the idea that the man is justified in using violence to get his own way, "teach her a lesson," or solve a problem. It transfers the blame from the man to the victim.

Violence Breeds Violence

Violence learned as a child is never an excuse or justification for wife abuse. Research indicates that children are as affected by witnessing their fathers beat their mothers as they are by being physically abused themselves. Counselling and appropriate intervention are often necessary so that children can deal with their anger and pain. Boys and men need to unlearn their belief that violence is a useful tool for getting one's way, and that women and children are acceptable targets.

Immigrant Women Remain in Abusive Situations Because it is Part of Their Culture

Immigrant women may remain in abusive relationships for many reasons. They may stay because they are isolated and have few options. They may fear deportation, and believe that their whole existence in this country depends on the abuser. They may stay out of a sense of duty, or family pride. They may stay because they do not speak English and are unfamiliar with the "outside world."

Immigrant Women are Abused More Frequently than Non-Immigrant Women

Abuse knows no economic, cultural or geographic boundaries. Immigrant and non-immigrant women tell of similar violent experiences of pain, guilt, fear and isolation suffered at the hands of their abuser. However, immigrant women have even fewer resources that they can turn to for assistance.

Abused Immigrant Women are Uneducated and Have Few Job Skills

Education levels of immigrant women range from little or no education to completion of profes-

sional and doctoral degrees. They are homemakers, teachers, doctors, lawyers, nurses, domestics, business women and executives in their countries of origin. Upon arriving in this country, some are forced to take low-paying jobs as previous experience and degrees are often not recognized here.

1.8 Men Who Beat Their Wives or Partners

Most battered women want help for their batterers. A nation-wide study has found that more battered women would want police to lay charges if they knew that the man would then be ordered to get special treatment (MacLeod 1987).

In the last decade, the number of programs for men who abuse their wives has grown to more than 100 across Canada. The vast majority of men who attend these group do so because they are under court order to attend, or because they are afraid they will lose their wives.

Contrary to what many people may think, mandatory treatment can be very successful. Men within these treatment programs can make progress in learning to control their physical and emotional responses.

While many of these programs concentrate on individual behaviour and stress anger management, the most effective approach is one that and attempts to change values as well as behaviour, and focuses on social as well as individual issues. Any attempt to stop violence in society must address the social values which support that violence.

An Ontario group of men who have abused their partners in the past and who are now trying to change their behaviour, have three answers to the question, "Why do men assault their partners?" The answers are:

1. Because it works.
2. Because we get away with it.
3. Because of our social training which has told us that we must be in control, and that it is alright to use force to get that control and to keep it.

Characteristics of Men Who Assault Their Wives or Partners

- 50% to 70% either witnessed their father batter their mother and/or were themselves victims of abuse as children.
- Abusers come from all cultures, ages, races, classes, religious groups and professions.
- Batterers almost always minimize the severity and frequency of their violence.
- Batterers generally blame someone (their wife, the boss, the kids) or something (alcohol, drugs, stress) besides themselves.
- Many—but not all—men who batter are impulsive and move, change jobs, etc., without considering the consequences.
- Batterers are generally highly dependent on and very possessive of their wives.
- The majority of assaultive men are violent only towards their wives.
- Batterers are often very isolated and alone, but this isolation tends to be self-imposed.
- Many of the abusers have alcohol/drug problems, but counsellors generally stress that these problems are not the cause of the battering.
- Most men who batter do not seek help voluntarily.
- Men who batter their wives may have good qualities as well. They may be good providers, for example. It is important for workers to keep this in mind because it helps explain why the woman may be staying in the abusive relationship.

A researcher on violence within the Chinese Canadian family has this assessment of the batterers:

> *Many may not be aware of the underlying reasons for their behaviours. These behaviours appear to stem from their feelings of insecurity and powerlessness within the changing society. Sources that contribute to these feelings are both societal and cultural. The negative portrayal of Chinese/Chinese Canadians,*

> *particularly of males, in the media and society may directly or indirectly lead to the rejection of their cultural and sexual identities. On the other hand, many may find difficulties conforming to the stereotypical Caucasian male images.*
>
> —Ng 1985: 77

The factors this researcher describes may also be relevant to batterers within other communities that are not seen as being part of the dominant culture.

1.9 The Continuum of Violence

Violence against women exists on a continuum. On one end there is overt coercion—wife assault and sexual assault. At the other end of the continuum there are a host of "subtle" messages that reinforce an abuser's right to have power and control over his intimate female partner.

These are the messages we see each day in the media, where women's subordination is reinforced by a wide range of sexist stereotypes. Most forms of advertising use women's bodies to sell consumer goods. Films and TV shows regularly portray violence against women, sometimes in horrific detail.

Violence against women as shown in the media sends powerful messages to both men and women about male power and control. This objectification of women promotes feelings of vulnerability and powerlessness among women. It also reinforces the abuser's attitude that violence against women is normal and appropriate behaviour.

Part 2

Cross-Culturally Relevant Factors

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Part 2

Cross-Culturally Relevant Factors

2.1 Specific Cultural and Family Factors

- It's hard for women to speak out about abuse because they are responsible for holding the family together.
- Our culture places a strong value on family pride. A woman would shame her family by telling about her personal problems.
- To deal with family problems, we turn to influential community leaders, not to services outside our own community.
- How can you express the pain when the person who is trying to help doesn't speak your language?
- Our culture teaches us to be stoic, and to endure. We are taught to practise self-control.

The Extended Family

In those cultures where the extended family is still the most important unit in society, understanding its meaning is the key to understanding the assaulted woman and the commitment she feels to her family.

It is important to know how the extended family can isolate and abuse an assaulted woman. It is also important to know how the extended family can provide support and comfort. Only by keeping both realities clearly in mind can support workers fully understand the assaulted woman's situation.

Extended families are important networks of support, security and assistance, both emotionally and financially. The extended family is essential to the identity of the individual. It is the source of personal identity. Within the extended family, primary value is placed upon interdependence rather than individuality.

In all parts of the world, the emergence of nuclear families can be linked to the growth of urbanization. It is only in advanced industrialized countries that the extended family network has disappeared, and even that is a very recent phenomenon.

> *The extended family has traditionally been the basic unit of society and has retained its social and psychological bonds despite the recent relative growth of nuclear families in urban areas.*
>
> — Waxler-Morrison, Cross-Cultural Caring: The Iranians 1990: 97

An extended family includes not just the nuclear group of parents and children, but also grandparents, brothers and sisters and their families. The head of the household is often the most established, financially secure male.

Sometimes, the extended family also includes "fictive kin" such as, within Christian cultures, godparents. In Central American communities, for example, godparents are an important part of the kinship network.

The extended family remains of central importance to most cultural communities, and retains its social and psychological bonds. This is true even where—as in many cases in Canada—the extended family does not actually live together under one roof.

When it works well, the extended family is marvellously supportive. In the most practical terms, it provides for women's needs: children are surrounded by caring adults (no need for babysitters), and cooking, for example, can be shared. In emotional terms, the strong bonds of the family provide lifelong permanence and security. In economic terms, the sharing of resources

enables the family to enjoy material comforts that would otherwise be inaccessible.

For an assaulted woman, however, the extended family can be the source of pain and abuse. This section paints a portrait of how an assaulted woman may experience that pain and abuse.

A Woman's Place is in Her Husband's Family

Within the extended family structure, a young girl may grow up knowing that her parental family will some day hand her over to another family.

In describing South Asian family attitudes toward a daughter, a community worker says: "The daughter is, in traditional terms, a guest in her own home. This is not to say that she isn't loved. She may be cherished and very much protected. But in the end she is handed over to another family, along with the dowry money."

> *If her parents give their daughter possessions, they know that they will someday belong to her husband's family. A son, on the other hand, is something you have forever. Whatever you give to him will remain in your own family.*
>
> —Shashi Assanand, Vancouver and Lower Mainland Multicultural Family Support Services Society

Within the extended family, the woman's place is in her husband's house. If she leaves that house to escape wife abuse, she does so knowing that her own family's name is stigmatized, and her parents are shamed. Her brothers and sisters may have great difficulty finding spouses. For her, there is no prospect of remarriage within the community. She will become a burden on her parents, who may have worked very hard to marry her to an appropriate family, and to provide an acceptable dowry.

An abused woman in this situation may well choose to spare her parental family a great deal of grief. She may try to hide the abuse from them, and remain within the abusive marriage.

If the abuse becomes public knowledge (if there is a court case, for example), she may be perceived as having betrayed her husband and his family. Even if she later returns to that family, they will say, "She's done it once, she could do it again." The community may see her as having done something wrong and may ostracize her. Her children's chances at finding suitable marriage partners may be jeopardized.

The family structure may also have fostered strong habits of dependence. A young girl within a loving extended family has been sheltered from the outside world by her parents. Then she moves into her husband's home and becomes dependent upon him. The prospect of making her own choices can be very intimidating. The decision to leave means developing an entirely new approach to life at a time when her self-esteem has been destroyed by the abuse.

The abused woman's social contacts will also be curtailed if she leaves the marriage. The friends she has will likely have been made as part of the extended family network; in many cases, those friends support the husband and his family. The abused woman who leaves the marriage can therefore be left isolated.

As an additional layer of complexity, there is, within many extended family traditions, a strong emphasis on the son's loyalty to his parents.

Some battering situations grow out of conflict between a man's extended parental family and his wife. The man may feel that the parents must take precedence. In some instances, the paternal family members may encourage the man to demonstrate his power and control over his wife by physically abusing her.

> *The women survivors and resource people mention that, in many instances, the mother-in-law is particularly hostile towards the woman and that she has directly or indirectly caused the abuse to occur. This hostility from the mother-in-law and her actions are often excuses made by the man to avoid taking responsibility for his own actions.*
>
> —Ng 1985: 56

In many communities it is commonplace for parents to return to the country of origin to seek a wife for a son (or a husband for a daughter). Families often believe that a daughter-in-law from the home country will fit into the extended family more readily than a young woman who has grown up in Canada.

An abused woman who has come from the home country does not have the support of her own family. At home, she may have been able to turn to them for intervention and support.

If the woman immigrates to Canada without her parental family, she may be expected to fit in with her husband's family. Speaking of arranged marriages within the Chinese community, one researcher notes:

> *Often the daughter-in-law's place in the family is at the bottom of the 'totem pole,' and she is considered an outsider and sometimes as a 'nobody.' The family may treat her as a servant. Paternal family members may encourage the man to demonstrate his prowess by physically punishing her.*
>
> —Ng 1985: 66

The woman may find that her husband's family is quite unlike her own. There may be urban/rural differences, or differences in education and outlook. For example, a woman might come from a major city and find that she is now living with a family from a rural area. This may lead to clashes, particularly with older members of the husband's family. Conflicts may arise between daughter-in-law and mother-in-law owing to contrasting lifestyles and values.

Sometimes, the family fortunes have been misrepresented and what the woman finds when she arrives in Canada is not what her family has been promised.

Family incomes may be pooled and managed by the husband or other male members of his family. This leaves the woman entirely without economic power, even if she is working outside the home.

In all of these instances, the abused woman may find herself isolated within the extended family. Within the community, she may come into contact mainly with friends and relatives of her husband. This makes it very difficult to talk about the abuse she is experiencing. How can she tell someone about what is happening without it getting back to him and his family? She may seem to be surrounded with family, but she may in fact be entirely isolated.

Women who are refugees from war-torn countries may have been forced to leave their family behind. Many refugee families send home part of their income and are working to restore the extended family by bringing their parents to Canada. In cases of wife abuse, the abuser may try to assert power and control by threatening to jeopardize this activity. He may, for example, take the money the woman has been sending home to her own parents and spend it on himself.

Fear of Being Isolated from Family and Community

> *...in a social structure in which men are given almost total familial authority, and in which masculinity is closely associated with control over others, and in which both sexes' identities and self-esteem are closely tied to prescribed social roles, a great deal of secrecy often surrounds the fact of domestic violence within a family.*
>
> —Nichols 1989

When the abused woman seeks help from outside, she may feel that she is severing herself from her community and her culture, losing the good things along with the bad. In trying to deal with the crisis of abuse, the abused woman may feel she is stepping away from her roots, identity and security. Her community, for its part, may ostracize her, thus reinforcing her feelings of isolation.

She may also have to deal with the feeling that she is bringing shame upon the family name by seeking outside help, and that breaching confidentiality is a betrayal of her duty as a woman to protect family pride. She may have a strong sense of family loyalty that is in conflict with her need to gain protection for herself.

If she lives within a community which does not see separation or divorce as acceptable options for women, seeking to end the relationship may be particularly stressful. She will likely have strong internalized feelings that leaving the marriage is bad behaviour.

She may come from a country where the husband is automatically awarded custody of the children if the wife leaves the marriage, even if the husband was violent.

She may know that it will be difficult, if not impossible, to enter into a new relationship with another man in the community. She may know that men within the community will see her as "used goods." She may see the choice as being between an abusive relationship and no relationship at all.

Similarly, seeking help from the justice system may be very stressful to a woman whose culture stresses problem-solving within the community, and which views legal action as the last resort.

2.2 Systemic Racism

> *For many women of colour the number one barrier is not language, and it's not family-related dynamics. It's systemic racism.*
>
> —Betty Lough, Immigrant and Visible Minority Women of British Columbia

A woman of colour who is dealing with a violent husband or boyfriend is extremely vulnerable because she also has to deal with systemic racism within Canadian society. Systemic racism refers to the way in which institutions subordinate or exclude a person because of skin colour. Systemic racism is based on the belief that one particular race is inherently superior and therefore has the right to dominance. It can be compared to sexism, which is the belief that one particular sex is inherently superior and therefore has the right to dominance.

Systemic racism operates to exclude people of colour from positions of power and status. Systemic racism, like systemic sexism, can be expressed either consciously or unconsciously.

In understanding how systemic racism functions, the following definitions may be helpful:

Prejudice: To prejudge, often based on stereotypes or negative learned attitudes. An example of prejudice is the belief that some cultural groups are innately more violent than others.

Discrimination: An action of behaviour based on prejudice. It can take the form of verbal and/or physical assault. An example of discrimination: Saying "wife battering is part of their culture" in order to legitimize not assisting women of colour in abusive relationships.

Systemic racism: Institutionalized prejudice. Examples include the confiscation of Japanese-Canadian property and internment of Japanese Canadians during World War II.

Systemic racism ignores the cultural realities of assaulted women of colour. Until very recently, most workers who provided services to assaulted women of colour did not receive specific training to help them understand the woman's culture.

(Adapted from Nelson and Bhola, *Cross Cultural Training Manual*, 1990.)

Resources: *Cross Cultural Training Manual*, written by Toni Nelson and Sara Bhola and published by the Calgary Immigrant Women's Centre, has an analysis of racism and a format for an "unlearning racism" workshop.

2.3 Language Barriers

Immigrant women whose first language is not English come to British Columbia from many countries. These countries may be culturally, politically and economically very similar to or very different from here. The immigrant women can be white or women of colour; they can be rich or poor; educated or uneducated. Some are leaving war-torn countries or refugee camps.

Any dependent relationship can provide the context for abuse, and the relationship between the immigrant husband and wife is no exception; the woman's lack of English may reinforce her dependency upon the man, and make her more vulnerable to abuse.

It is difficult to gain access to information and services when you don't speak the language. Women may not know what their rights are, or that they can get protection, legally, from a battering husband. The laws of their country of origin may not have provided legal protection from battering.

An immigrant woman who seeks help in abusive situations faces language barriers at every step in the process. It begins with lack of access to information about her legal rights. It

continues through her efforts to deal with the criminal justice process and to gain access to government and community services. It extends to her efforts to obtain counselling and support, or to find a shelter, or to leave the relationship and find work.

If the police are called to deal with wife abuse, they may not be able to communicate with the abused woman in her own language. There are few multilingual officers. The officers may speak only to the husband, who may be fluent in English or may speak it more easily than she does. Or, the police may speak to a third party, possibly a member of the husband's extended family.

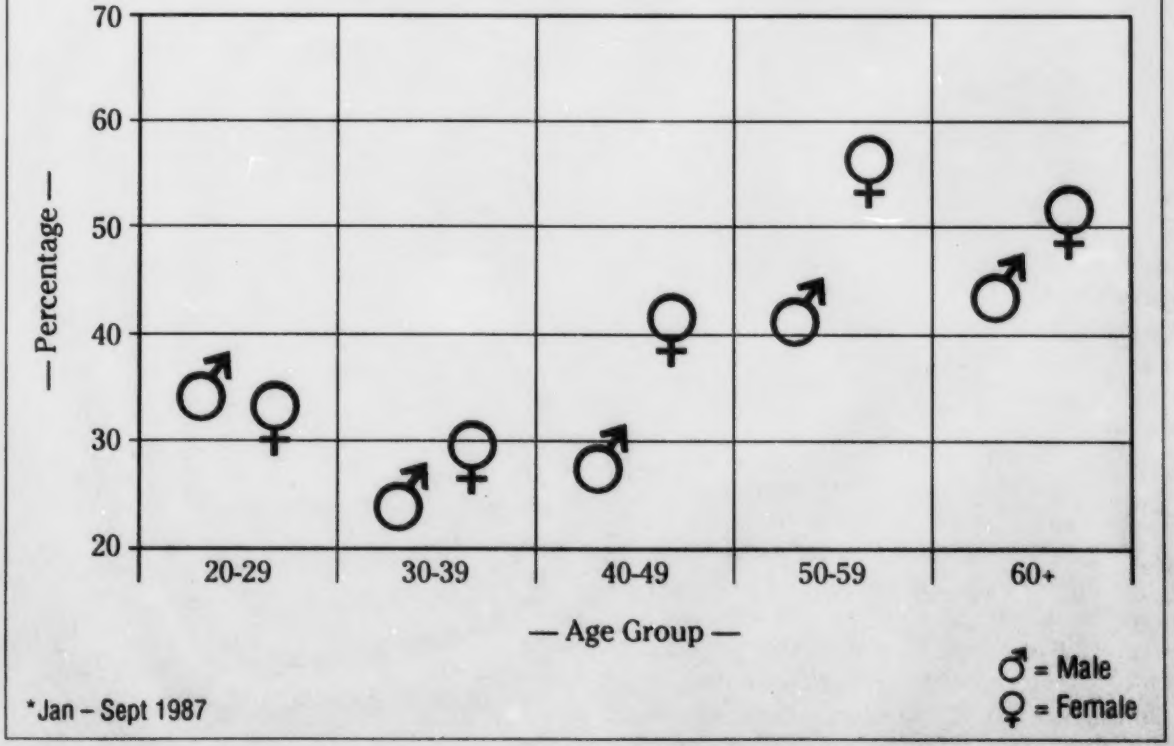
It is very difficult for the woman in this situation to have her own story heard, and to feel that she is being spoken to directly. Her husband, friends or relatives are likely to have their own versions about what is happening.

This problem continues throughout the criminal justice process, and to the woman's efforts to obtain a place in a transition house or to obtain counselling. At all levels, the assaulted woman is not able to communicate with criminal justice personnel and social services workers in her own language.

Language barriers are also extremely important if a woman is thinking about leaving the abusive relationship. Without language skills, access to employment is limited, and she may be unable to support herself and her children on her wage.

On average, immigrant women receive low wages, lower than those of immigrant men or Canadian-born women. In addition, an immigrant woman may work in a "job ghetto," such as the garment industry, where she has little opportunity to learn English, and where lack of language skills leave her vulnerable to exploitation in working conditions. Over time, she may become more isolated from her husband and from her children, as their language skills improve.

Percentage of Male and Female Immigrants in Adult Age Groups Who Speak Neither Official Language
Canada 1978-1987*



*Jan – Sept 1987

In the past, sponsored immigrants (Family Class and Assisted Relatives) were not eligible for basic living allowances for Canada Employment and Immigration Labour Market Language Training. Given that the majority of sponsored immigrants are women, the result was that many immigrant women never received language training. However, some basic language training may now be available from Canada Employment and Immigration under the Language Instruction for New Canadians program.

The problem of language education for immigrant women has been thoroughly documented in Canadian studies, with repeated recommendations for universal access to language training with on-site childcare and transportation allowances. The Canadian Human Rights Commission's annual report has noted that immigrant women are discriminated against in the provision of language training (*After the Door Has Been Opened* 1988: 77).

Interpretation

Women who do not speak English and who need to access services in English need to use translators. Often, other family members provide informal translation, editing and interpreting the woman's statement to fit their own attitudes. The disadvantages of having the husband or a member of his family translate for an abused woman are obvious.

In many informal situations the "interpreters" are not translating. They are simply giving their own version of events. Using interpreters poses some difficulties, even if the interpreter is translating, and not simply "telling the woman's story in the interpreter's own words." (Translation refers to the process by which one person, who speaks more than one language, changes the words of another person, who does not speak a particular language, into that other language.)

Interpreters who speak the same language as the client may not come from the same country. The real meaning of emotional issues may not come through. The nuances of Guatemala, for example, may not be recognized by someone from Argentina.

In some cases, the interpreter may be editing the exchange. He or she may think that what the support worker is saying is improper. Or the interpreter may want to give the woman some advice of his or her own.

2.4 Perception of Authority Figures, Especially Those in Uniform

Abused women may come from countries where authority figures, particularly those in uniform, do not provide neutral protection and support. This creates a strong barrier against turning to police for support and protection from a battering husband. In some countries, police officers and other authority figures are poorly paid and badly trained. Consequently, they may accept bribes or act in an unlawful fashion towards some citizens. The woman or her family may have been victims of these officials.

In an Ontario study, 62.2% of the battered immigrant women interviewed said that the "fear that I will lose everything (house, children, reputation, everything I have worked for) once I involve the police" was a "somewhat or very important reason" for not calling the police.

In this same study, 42.5% of the women interviewed said that "fear that husband/partner will be brutalized/victimized by police" was a "somewhat or very important reason" for not calling the police (ARA Consultants 1985: V-19). This fear was particularly important to women who perceived that they or their family members would be subjected to racist attitudes.

On the other hand, abused women often know that the police in Canada are supposed to offer protection. Workers in the Vietnamese community explain that when women do call the police, they usually don't want the police to arrest their partner but to threaten him. They want the police to frighten him in order to stop him from being violent.

Women who do not see authority figures as repressive may see them as ineffectual. In the Ontario study mentioned above, almost two-thirds of the battered women interviewed said that they did not call the police because they thought that the police would not do anything.

In some cases, it is seen as inappropriate for the woman to seek help from a male police

officer. The Ontario study cited the example of a Punjabi woman who had been living in Canada for one-and-a-half years and had been beaten by her husband over 50 times. She had called the police for protection. One of the reasons her husband beat her, she said, was because she was talking to "other men" and "made phone calls" (ARA Consultants 1985: IV-11).

2.5 Refugees

A battered woman who is a refugee will likely also be dealing with the trauma of that experience. She may have been battered in the camps. In addition, rape is a common experience for refugee women, both in the camps and during war in the country of origin.

When they arrive in this country, refugee women may be battered by a family member (or may continue to be battered). A man may respond to the loss of status that characterizes the refugee experience by seeking to enforce power and control over his wife or partner through physical violence. His experience of war in his country of origin may play a role in his perception that physical violence is acceptable.

A battered refugee woman may have wanted to leave the marriage while she was in the refugee camp, but immigration to Canada takes a lot longer if the family unit breaks up. She may have stayed in the relationship for that reason.

For a refugee woman who has likely lost everything, the family may become the one thing she feels she still has. She may feel strongly that she must hang on to this one last point of familiarity, and may be willing to sacrifice herself so that her children can have a father. She may feel that she has survived so much already that she can also survive this abuse.

Refugees are the group least likely to have English language skills. An abused refugee woman may therefore be unable to access information and services, thus reinforcing her dependency upon the abuser.

A refugee woman may find it difficult to take part in orientation services that would provide her with an understanding of Canadian laws and her rights. These programs may be offered only in English (or French) and may not offer childcare.

2.6 Acculturation

An immigrant family whose first language is not English goes through a complex process of adapting to life in the new country. The men may not be able to find a job on the level they were accustomed to in the past. They may feel inadequate when their children begin to speak English with ease, while they find it difficult.

Wives who worked in the home in the country of origin may be the first to find work here, because there may be unskilled jobs available to them.

While the men may find they are losing their authority in the family, the women may be tasting a new freedom. In addition to their new status as breadwinners, the women may be learning about different female roles.

The stresses arising out of the immigration process may provide the context for wife abuse. This becomes extremely serious for the woman who is now cut off from the kinship system which previously mediated family conflicts.

Acculturation, a process experienced by every person who enters a culture which is different from her or his own, has separate phases of adjustment. In working with assaulted women who are immigrants, it may be helpful for workers to be familiar with the steps in the acculturation process. The process is commonly described as having three distinct phases (see chart, next page).

Acculturation Continues for Years

The first three to five years in Canada are times of major change for many immigrants. After that, adjustment remains a constant and ongoing process. Acculturation continues for years.

Frequently, women who are wives and mothers have the most stressful transitions. As the dynamics of the family change, so does the woman's defined role. Sometimes, the effect is one of increasing isolation.

After arrival, the woman's responsibility for the care of the children may cause a conflict with other imperatives, such as language learning and the need to work. Her new responsibilities may also conflict with those of her husband.

It may be that she finds work before her husband does, and that he finds himself at home,

Phases of Acculturation

	Phase I: Arrival to Six Months	Phase II: Six Months to One Year	Phase III: Six Months to 13 Months
Characteristics	Newcomers in this stage are often enthusiastic, curious, over-stimulated and full of excitement. This stage is often referred to as the "honeymoon" phase.	Newcomers start to see the true nature of their new home country and their position in it. This is the period of "psychological arrival" or assessment, in which reality sets in. There is often a feeling of nostalgia for what has been lost, and some idealization of the past.	This is the phase of integration and disintegration; it overlaps the preceding phase. The newcomer minimizes the bad aspects of the new life and accepts the bad with the good. Some newcomers attempt to use old solutions for new problems; some isolate themselves and choose to live in their own community rather than integrating into the larger society; some adjust to their professional lives but keep their personal lives separate.
Concerns	Pre-occupation with immediate needs such as housing, employment, health-care, schooling, etc.	Language is seen to be crucial. Newcomers becomes increasingly aware of the differences between their values, customs and social cues, and those of the host community. Work and living conditions also undergo assessment.	Continuing efforts to reconcile past and present; making compromises; coping with the discrepancies between expectations and realities.
Reactions	Beneath the excitement, the newcomer may experience different degrees of disorientation, anxiety and confusion.	Periods of depression and different degrees of frustration and anxiety are common. When feelings of denial and anger are experienced, they are not usually expressed directly.	Those having difficulty in transition may exhibit differing degrees of fatigue, impatience, withdrawal, restlessness, argumentativeness and mood swings.

taking care of the children. She then has to deal with his response to this situation, which he may identify as a loss of power and control. He may express his frustration about this by blaming her and abusing her.

Her relationship with her children may undergo radical change as they assimilate to the new culture and question parental authority and traditional parenting skills.

Women may also be pulled between their traditional role expectations and the very different role expectations of women in Canada. They may wish to assert themselves in ways that they never even considered "back home."

For example, an abused women may have come from a country where there were no social services available for women who left the marriage. When she understands that it is possible to survive on income assistance, and to take the children with her, she may begin to think about leaving the abuser. But she still has to deal with all the guilt about stepping out of her role. And she may have to deal with hurtful gossip in the community. The new options lead to hope, but also to pain and confusion.

This process of change may be accelerated when women are cut off from their extended family. If women come from war-torn countries where they have lost family members, they may continue to deal with survivor guilt.

(Adapted from Biocchi and Radcliff, *A Shared Experience: Bridging Cultures,* and Nelson and Bhola, *Let's Work Together to Stop Family Violence.*)

2.7 Immigration Status

Will I be deported if I look for help?

When you are dealing with immigrant women who are abused, they will often be very concerned about their immigration status. This is especially true for abused women who have been sponsored by their husbands. Fear of losing immigration status is a fear that the abuser may often prey upon. The woman may be dependent upon the man who is abusing her, both for her economic survival and her right to stay in Canada.

Unfortunately, the fear of deportation is not unrealistic. Although the policy is now changed, as recently as 1986 the Muselmann case was raised in the House of Commons. In this case, a woman who had been abused by her husband was told that she had one month to leave Canada because "she and her husband were in breach of a ministerial permit." The politician who described the matter in the House of Common said: "The breach was that her husband has been convicted of a crime. The crime he committed was that he beat up his wife, a crime which the victim rightfully reported to the police."

The abused woman you are dealing with may be in one of the following three situations:

1. She was sponsored by her husband but she has permanent residence status.
2. She was sponsored by her husband and she does not yet have permanent residence status.
3. She is a refugee.

She Has Permanent Residence Status

If an abused woman is a permanent resident (i.e., she has what used to be called "landed" status) she is in no danger of being deported if she leaves the relationship and the sponsorship breaks down.

She Does Not Yet Have Permanent Residence Status

In this case, the woman should be advised to get help from an immigration lawyer or advocate immediately.

If she is not yet a permanent resident there is a danger that she will be deported, but the procedure is not automatic. She may be considered as an independent immigrant rather than a family immigrant.

Canada Employment and Immigration will look at a number of factors that fall mainly under the category of "humanitarian and compassionate grounds," and the ability of the abused woman to establish herself through her own talents or with the assistance of relatives in Canada. Even where her ability to support herself is not clearcut, deportation is not automatic.

The lawyer or advocate will review all of the criteria and prepare a submission on behalf of the abused woman as soon as possible. This submis-

sion will be reviewed by the Regional Director of Immigration.

(Adapted from *Assaulted Women*, by Community Legal Education Ontario. Chapter 6 of that handbook provides information for advocates about how to prepare a submission.)

The Woman is a Refugee Claimant

In this case the woman will need help from a lawyer or advocate. The lawyer or advocate will prepare a submission for Canada Employment and Immigration describing how the woman is still at risk in her home country regardless of the fact that she has left her husband.

The Abused Woman as the Sponsor

A woman may be abused by a spouse whom she has sponsored to Canada. She may have had a marriage arranged for er, only to find out that immigration was the main motivation for the arrangement. Workers have described cases where the day the man gets his permanent residence status, he begins to abse his wife who sponsored him.

If the woman is being abused by a man whom she is in the process of sponsoring, she should be advised to seek legal help. She may wish to contact Canada Employment and Immigration to apply to withdraw the sponsorship. She will need to be advised of her other legal remedies. If charges are laid, for example, that will help to demonstrate the seriousness of the situation to Immigration.

If I am sponsored and I leave my husband, can I get welfare?

The answer is 'yes'. A fact sheet distributed to Canada Employment and Immigration officials in October 1986, entitled *Battered Immigrants and Immigration Status* says: "If it is determined that the relationship between the sponsor and the sponsored immigrant is no longer tenable, the sponsored immigrant will not be denied access to publicly funded assistance programs."

Part 3

Crisis Intervention

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Part 3

Crisis Intervention

Introduction

This part of the handbook deals with an assaulted woman's initial urgent need for safety and support. Your goal is to help the victim of wife assault end the violence by providing her with the support and information that she needs.

The powerlessness of the victim has been established and reinforced by many factors. Among them is fear for her own safety and that of her children; isolation; feelings of worthlessness, guilt, inadequacy, and shame; and lack of knowledge about where and how to get help.

The first and most urgent consideration is the safety of the woman and her children. Once they are safe from violence and threats, you can begin the process of helping the woman to make use of the services she needs.

Women who live as victims see themselves as alone and without resources. As a support worker your most important task will be to show the assaulted woman that this is not so. Often, the severity of the situation and the enormity of the challenge will make you also feel alone and helpless. To counter this, you must know what is available in the woman's community and how to gain access to it quickly.

It is very important to establish a relationship of trust and respect with people working within the justice, health and social service systems, and in community agencies and groups, including the immigrant-serving agencies and specific cultural services. You should learn as much as possible about their roles and see that they are familiar with yours. Your ability to provide effective support to the assaulted woman depends upon these relationships.

You must know the system and build your network. You must know where to send a woman to get the services and information she needs, and you must know the people she will be dealing with when you send her there. It is essential to maintain your network. You are building a safety net.

—A transition house worker

Wife assault is a violent crime. It is important that our society demonstrates that it will not tolerate it. This will happen only if men who commit wife assault are arrested, charged and brought to court.

An important part of your role as a support worker is to encourage and help the woman through the court procedure and the long and often confusing preparations leading up to the actual court appearance.

Part 5 contains a description of the justice system you will be dealing with, and guidelines to assist you in helping the woman prepare herself for court.

Pamphlets and Books

A number of pamphlets and small booklets that provide useful information on resources and legal rights have been listed in Section 3.4 and in *Resources*, at the end of the handbook.

3.1 Validating the Seriousness of Wife Assault

If a woman contacts you or is put in contact with you because she has been hurt or threatened by her husband or boyfriend, she is a victim of wife assault.

You can assure her that:

- If somebody hits her or physically hurts her, that is an assault.
- If somebody, by action or gesture, threatened to hit her or physically hurt her, and has the ability to do so, that is also an assault.
- If that person is her husband or boyfriend, the assault is called wife assault. The term "husband" includes a common-law husband.
- She does not have to endure serious physical damage to be considered to have been assaulted.

Many people who work with victims of wife assault no longer use the term "battering" because it is often interpreted (often by the victim herself) as implying that she must endure serious physical damage before she is considered to have been "battered." ("He didn't actually batter me — he just pointed his hunting rifle at me and threatened to shoot me and the kids.")

3.2 Values and Beliefs of the Support Worker

If you are going to provide effective assistance and emotional support to assaulted women, you must examine your own values and beliefs. The following list reflects the values and beliefs necessary for intervening with victims of wife assault.

- No behaviour of any woman justifies or causes violence. No woman ever deserves to be hit, shoved, kicked or physically hurt in any way.
- Women do not derive pleasure from being physically abused in any way.
- Women remain in violent relationships because social institutions teach us that women belong in the home, are less competent than men to succeed in the workforce, should defer to the dominance of their husbands, and should be the primary emotional support of the family.
- Women experience different demands and expectations within their families and their communities. Our ability to provide effective support depends on our understanding of those demands and expectations, and our respect for the woman's experience.
- Many cultures value interdependence and cooperation among family members above individual independence and self-reliance. We need to be aware of our own attitudes about these values, and not project our particular values as the "solution."

(This list was adapted from *Family Violence: Origins and Treatment,* by Barbara Pressman.)

3.3 Crisis Intervention

This section deals with the immediate urgent need for safety for the assaulted woman. You must assess the immediate danger and deal with it in a practical way. At the same time, you need to create a relationship of trust and respect for the assaulted woman, so that she will accept your help.

Assessing the Immediate Situation

Your initial contact with a victim of wife assault may occur in a number of different ways. The woman may contact you through a community agency or group referral. Or she may call in the middle of the night, desperate and afraid.

No matter how she got in touch with you, your first priority is to make sure that she and her children are physically safe.

The following are some questions you can use to assess the immediate situation.

Is she physically safe? Are her children safe?

Questions

- Where are you calling from?
- Are you safe?
- Where are your children?
- Are they safe?
- Where is the man?

Finding out where the woman is will help you determine the urgency of the situation. If she is at home and her husband is also there, and he is acting in a threatening manner, you need to act right away. Do not hesitate. Get her name and address and phone the police immediately! Tell the police if the woman needs an interpreter. Some police detachments may have bilingual officers who can attend.

Ask the police to contact you after they have answered the call. They may help her leave the home; they may arrest the man; they may decide the situation is no longer immediately dangerous and leave the man and woman together. You need to know in order to follow-up.

What danger is she in right now?

It is important to determine if the woman is in danger even if the man is not present.

Questions:

- Has he threatened you?
- What threats did he make?
- Has he made threats before?
- Has he ever carried out his threats?
- Was he violent this time?
- What did he do — kick? hit? shove? choke?
- Did he use objects or weapons?
- Has he been violent in the past?
- Does he have a gun?
- Do you know where the gun is?
- Do you know where your husband is now?
- Do you know when he will come home?
- If you are not at home, does he know where you are?

Does she need medical attention?

If the woman is safe at a friend's or relative's home, or if the man is not present, you should find out if she needs medical attention.

Questions:

- When did the assault occur?
- Do you have any injuries (bruises, cuts, aches, cracked or broken limbs, headaches, dizziness, blurred vision)?
- Have you had any medical attention yet?
- Have the children been injured?

It is important that the assault not be minimized. It is not something that anyone should put up with. No one should accept being beaten. It is not the woman's shameful secret—it is something terrible that has been done to her and that she does not have to accept.

Encourage her to go to the emergency ward or a doctor even if she says the injuries are slight. There could be internal injuries. Also, the doctor can document the assault for evidence in a legal action. Offer to go with her. If she is reluctant to go to her family doctor, you should know another doctor who will deal with her in a sympathetic manner, and who speaks her language.

The woman may attempt to minimize the danger she is in, the fear she feels, or the abuse she has received in the past. But she has made a call for help and you must assume that danger exists, if not at this moment, then at some moment in the future.

Determining the level of danger will give you a better idea of how to help the woman put together a plan of action. It's one thing if the husband is at work and not expected home for a few hours, and quite another if he has just gone out for cigarettes and will be back in a few minutes.

The questions about frequency will also help you to discover a pattern in the violence and give you more information on how much time you have.

> *I had a woman call me at 4:30 on a Friday afternoon. She described a very clear pattern. Every fourth Friday of the month her husband got paid. He would stop off at a bar and drink, and then he would come home and insult her and beat her. This was the fourth Friday of the month. Obviously, I had to act immediately and find a safe place for her and her children.*
>
> —A social worker in a small community

Are the children being taken care of?

You must make certain that the children are safe. The woman may have had to flee the house with or without them.

Questions:

- Where are the children?
- How many are there?
- What ages are they?
- Are they safe where they are?

It is best for the woman to take the children with her if she leaves the home. If she was not able to do so, she should try to return for them as soon as possible. But she must think of her own safety when doing so. She should have someone, such as a friend or transition house worker or support worker, *and* a police officer, accompany her. Give the police sufficient time to make sure

that they will be able to come with her. The police can ensure the woman's safety, but they can't demand that the husband or boyfriend give the children to her.

If the husband or boyfriend refuses to let the woman take the children, or if he has a custody order, the women should get legal advice immediately. (See Part 4 of this handbook for how to get legal advice and legal aid.)

If a woman is fearful about the safety of her children, she should call the nearest Ministry of Social Services office. Current research tells us that the effect of wife assault upon children who witness it is serious and far-reaching. These children react in the same way as if they were being abused themselves (Jaffe et al. 1990).

Does she need emergency housing?

Questions:

- Are you in danger if you stay in your own home?
- Could you stay with friends or family?
- Would that be safe for you and them?
- What would a good situation be for you?
- Do you know what a shelter or transition house is?
- Would you consider staying in such a place temporarily while you sort out what to do?

It may not be safe for the woman to stay in the family home even if the man has been ordered to leave. He may return. If it is an extended family, other family members may side with the husband, and threaten or abuse the woman.

Staying with a neighbour or friend or family member may not be safe if the husband (or another family member) comes looking for her. Also, the family member she is staying with may side with the husband or pressure the woman to return. ("How can you break up your family?" "Think of the children." "You will bring disgrace to the family name.")

Would she go to a transition house?

Transition houses provide 24-hour service. They will house women and children who are in danger physically or mentally for up to one month. There is no charge. Counselling and resource information are available at the houses. The addresses of transition houses are kept confidential.

Transition house workers recognize that women whose first language is not English can feel very lonely at a transition house, especially if none of the other women share the same background and experience. But the workers make efforts to recognize the woman's special needs. They will organize interpreters to communicate with the woman about her options. Be sure you are familiar with the services that the local transition house can provide, including interpreters.

Transition house workers will provide telephone counselling for women who are not ready to leave their home situation but who need someone to talk to.

In communities where there is no transition house, there may be access to emergency shelter and safe houses through the police, the YWCA, a women's centre or some other group.

It is very important that you be aware of the houses and shelters in your area and that you maintain a relationship of mutual trust with the staff. You need to maintain your own up-to-date list of transition houses and shelters.

> *I try to get women into a transition house if possible. Isolation is a major weapon in the cycle of violence that abused women live with. This isolation can be broken down by the company and support of other women who are dealing with the same situation. It helps the woman realize that she is not alone, and that there is not something wrong with her that causes her to be beaten.*
>
> —A victim support worker

What resources does she need at the moment?

Try to determine the practical resources the woman has at her disposal at that moment. The women might be calling from a pay phone and may be dressed only in her nightgown. She may be safe at a neighbour's but have no money, or no transportation.

Questions:

- Do you have a car?
- Is there anyone there who can drive you to the hospital or doctor?
- Do you have any money or credit cards?

- Do you have access to a personal or joint bank account?

The Ministry of Attorney General Wife Assault Policy directs that:

> *...where necessary or desired by the woman and within police ability, police refer and accompany her and her children to a transition house or another location within the force's jurisdiction or otherwise ensure their safe transport to such a location.*

Emergency financial aid is available through the Ministry of Social Services.

Establishing Trust and Respect

> *The first time you talk to the woman is so important. You must establish trust. And you must follow through. If you say you will do something, you must do it. If you say you will call on a certain day at a certain time, you must be there. And it must be you—you can't expect her to keep dealing with new people.*
>
> —A victim support worker

To create a relationship of trust and respect with the assaulted woman, you must:

- Assure her that you believe her story.
- Let her know that she is not alone, that she is not the only woman this happens to, and that there are people who will help her.
- Inspire confidence. Make her feel that you have the experience and resources to find help for her. Start the process of turning despair into hope.
- Validate her feelings and experience. Don't aid her in minimizing what has been done to her.
- Validate her specific cultural experience. Let her know that you recognize it is difficult for her to seek help, especially if her culture places great value on the privacy of family life.
- Help her to focus her energies. She may be overwhelmed and tend to ramble. She may have difficulty thinking clearly. Help her mobilize her inner resources to deal with the immediate crisis.
- Keep your message clear and simple. Your message is safety for her and her children, and the reassurance that help is possible. This is not the time for philosophical discussions. Also reassure her that your role is to help her figure out what she needs to do, and that you are not there to "push her" in any way.
- Stay calm. Even if you think her situation is horrendous, don't show it. She needs to believe in your strength and your assurance that a solution is possible.
- Listen carefully. Remember, every situation is unique because of the unique individuals involved, and their history and situation. Don't just assume you know what's going on or that you understand the dynamics involved. For example, a woman may often talk about members of her extended family. It can seem as if she has an excellent support network. However, if she is living with the husband's extended family, that support may not be there for her.
- Be very careful. Sometimes you may be the one who is initiating the call because you have been given her name and number by some referral source. You do not want to increase the danger for the woman. Believe her if she says she can't talk to you. Do not abandon her, but find a safe way to contact her.

> *I try to establish a code with the woman so when I call I know immediately if it is safe to talk or not.*
>
> —A victim support worker

3.4 Summary of Resources for Crisis Intervention

Ministry of Attorney General

- Local police
- Police-based Victim Assistance Programs
- Community-based Specialized Victim Assistance Programs for victims of wife assault and sexual assault

If a Specialized Victim Assistance Program does not exist in your community, a Police-based Victim Assistance Program may operate out of your local police department or detachment. These programs provide support and referral services for victims. Call your local police for information.

Community Resources
- Vancouver and Lower Mainland Multicultural Family Support Services Society
- Transition houses, emergency shelters and safe houses
- Crisis lines and sexual assault centres
- Battered Women's Support Services
- Programs through immigrant-serving agencies; for example, SUCCESS has a family violence prevention program
- Health services
- Emergency departments at local hospitals
- Sympathetic doctors on your list, who speak a community language

Ministry of Social Services
- Local offices for emergency financial aid

Pamphlets, Booklets and Lists
- *Wife Assault: Information on Your Rights*
- Pamphlets on wife assault and sexual assault in Chinese, Punjabi and Spanish are available from the Legal Services Society and from Women Against Violence Against Women (WAVAW) in Vancouver.

Telephone Directory

In many B.C. communities (the larger population centres) there are one or more pages in the front of the telephone directory which list phone numbers for community services available in your particular community. These services can include crisis lines, transition houses, services for people whose first language is not English, sexual assault centres, services for seniors, daycare, services for people with a disability, etc.

All B.C. telephone directories have emergency phone numbers listed on the inside cover of the directory. They also have Blue Pages, which list government departments.

Wife Assault Policy*

The Ministry of Attorney General has a policy on wife assault. The policy directs the police to initiate a charge against a man where there is evidence that he has assaulted his wife or girlfriend. It is important that everyone who works with assaulted women is familiar with the Ministry of Attorney General policy so you know what to expect from the justice system.

Policy Relevant to Crisis Intervention

The Ministry of Attorney General police policy on wife assault is particularly important in crisis intervention. Note what it says about arrest and procedure:
- **Arrest**

  Every effort should be made to arrest the suspect if grounds to do so exist. Police officers are reminded that consistent with the release provisions of the Bail Reform Act is the ability to effect an arrest if the attending officer believes the offence may be repeated.
- **Procedure**
  - Police should give information and referral cards to the woman.
  - Police should transport the woman to a safe place, or make arrangements for transportation.
  - Police should stand by, where requested, if a woman wishes to return home to collect her personal effects.

* At the time this publication went to print the B.C. Wife Assault Policy was under review. References in this manual are to the 1986 policy.

Part 4

Ongoing Safety and Protection

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4.2 Skills for Helping Battered Women 40

Part 4

Ongoing Safety and Protection

Introduction

This section deals with the ongoing support and assistance an assaulted woman may need.

After the assaulted woman and her children are safe, and the immediate crisis is past, you will need to assist the woman to make some choices. She will need to make decisions about protection, legal advice, finances, a place to live, and her children's and her own emotional and mental health.

The Crown may lay charges, and that may lead to a trial. You may need to provide information and support to help the woman through the court process. (Part 5 deals with the court process.) It is important to remember that the criminal proceedings are only one of the things going on in the woman's life.

Without support and assistance, many women return to abusive and dangerous situations simply because they can see no other option for themselves and their children.

> *Some women have been in their situation for a long time and the feeling of isolation and helplessness has been ground into them. They have to be assured over and over that help is available. They are not alone.*
>
> —A transition house worker

> *Information and knowledge reduce the feeling of powerlessness.*
>
> —A transition house worker

> *It's hard to listen when you are in a state of turmoil. A woman in crisis can only take in so much information. It has to be reinforced. It helps if she has information written down, too, so she can refer to it and think about it.*
>
> —A transition house worker

4.1 Ongoing Protection

A woman and her children can stay in a transition house for up to one month. There are two second-stage houses in the province for women and their children who are in danger and/or for a variety of reasons cannot manage in the community on their own. The houses contain small suites and women and children can stay for up to six months. Referrals are made from transition houses.

If the woman and her husband or boyfriend do not live together, or if he has left or has been ordered out of the family home, encourage the woman to take steps to make her living quarters secure: change the locks, keep the doors and windows locked, remove all weapons from the house, etc. She can also ask her neighbours to call the police if they hear noises or see anything suspicious. You can discuss the problem with the local police so that they are aware of the situation and can be prompt in responding.

Conditions of Release

If the man was arrested, he may have been released under certain conditions. He may have been ordered to have no contact with the woman (a no contact order). He may have been ordered not to go to her home (a non-attendance order).

Resources: You need to be familiar with the legal protections available to an assaulted woman. Obtain a copy of *Legal Process for Battered Women*, written by Meegan Ellis and published by the Legal Services Society of B.C. (see *Resources*).

You will need to explain the following legal options to the assaulted woman. Refer to *Legal Process for Battered Women* to add to the informa-

tion presented here. Your role is to give the woman the information, put her in touch with the relevant authorities, help her to organize necessary information or evidence, and accompany her to provide moral support when she is making an application or presenting information.

Recognizance (Peace Bond)

Anyone who is afraid for her safety, or the safety of her children, can apply for a peace bond. A peace bond is also called "recognizance" and comes under section 810 of the *Criminal Code*. In the process of applying for a peace bond the woman is known as "the informant." The man is "the defendant."

The woman does not have to prove that her husband has assaulted her, only that she has a reasonable fear that he will assault her. A peace bond is an order made by a judge. It tells the man that he must be on good behaviour and not threaten or harass the woman. Usually, it has specific conditions the man must follow, such as an order not to have any contact with the woman. This means that he must not show up at her home or her place of work, or telephone her.

To get a peace bond, the woman has to go to a Justice of the Peace and lay an "information." An information is a formal written complaint against the person, saying what he has done and why she is afraid. For example, the woman could list the type of threats the man has made. Evidence of previous threats and/or assaults would be helpful in showing why she is afraid.

A prior police report will usually help the woman to obtain a peace bond. She should ask the police for the report number.

If the Justice of the Peace accepts the information, he or she will issue a warrant (or a summons) for the man's arrest. The Crown counsel then decides whether to recommend the man's release. If the man is released, it will likely be under conditions that he have no contact with the woman.

If the man is released, he will be required to appear in court approximately one week later to fix a hearing date. The hearing usually takes place approximately one month after that.

At the hearing, Crown counsel presents the woman's case. The format and procedures are the same as those in a criminal trial.

If the judge decides that the woman has reasonable grounds for her fears, he or she will order the man to "enter into a recognizance" and will attach conditions. A recognizance, or peace bond, usually lasts for 12 months. If the man breaches a term of the recognizance, or peace bond, he may be liable to a penalty that could include imprisonment for up to 12 months.

Restraining Order

If a woman fears for her safety and that of her children, she can apply for a restraining order in Supreme Court under the *Family Relations Act*. This is a civil procedure (as opposed to obtaining a peace bond, which is a criminal procedure).

Under this procedure, the woman requests the judge to make an order to stop her husband or boyfriend from harassing or threatening her. If the man violates the order, and the woman contacts the police, the man can be arrested and charged with breaching the order. As with peace bonds, if he is convicted, he will have to pay a fine.

Because of the complexity of obtaining a restraining order, you should recommend to the woman that she seek legal advice.

Resources: *Legal Process for Battered Women* written by Meegan Ellis, explains in detail the range of protections available to a woman under the *Family Relations Act*, including restraining orders.

Legal Aid

Legal aid and information are available from branch offices of the Legal Services Society and community law offices. Look at the Community Services page at the front of your phone book (if it has one) or look in the white pages under "Legal Aid" or "Legal Services Society," or in the Yellow Pages under "Lawyers." Legal Aid refers the woman to a lawyer.

You should establish contact with sympathetic lawyers in your area, so that you can recommend them to women who require ongoing assistance.

We know the lawyers who will help. They are usually women. We try to phone them directly. When the woman fills in the legal aid form there is a section that asks if she has contacted a lawyer. Legal Aid can just assign a lawyer but it is much better if the woman can fill in the name of one of the lawyers on our list.

—A transition house worker

The Lawyer Referral Service provides basic legal advice and will let the woman know whether or not she needs a lawyer. An interview of up to 30 minutes costs $30.

The Lawyer Referral Services is organized by the B.C. Branch of the Canadian Bar Association and funded by the Law Foundation. Contact the Canadian Bar Association for a list of phone numbers for the areas where a Lawyer Referral Service is available.

Finances and Personal Belongings

If the woman receives a pay cheque, she should open a separate account rather than depositing it in a joint account.

If the woman has access to a joint bank account, she has a right to withdraw half the funds. Many women are reluctant to take what they think of as "his money." Assure the woman that she is entitled to it and that she will need it to support herself and her children.

Advise her that all her bank books and credit cards should be in her possession. If the woman wishes to return to the home to collect her personal belongings, or those of her children, recommend that she contact the police if she thinks her boyfriend or husband might be there. Under police department policy, a police officer will accompany her to keep the peace.

If the woman is staying in a transition house, she and her children can receive a small Comforts Allowance from the Ministry of Social Services if she has no other income. You should know the procedure for applying for these funds so that the woman can begin the process immediately.

The fund is designed to help pay for items such a toiletries and transportation. (There will be a lot of transportation costs as the woman goes to agencies, court hearings, interviews, etc.)

If the woman is not staying in a transition house and has no other income, she can apply to the Ministry of Social Services for Income Assistance. If she is on Income Assistance or earns a low income, she is eligible to apply for a daycare subsidy. Again, you should know the procedure and be able to explain it to the woman and assist her if necessary.

The woman may be able to sue her husband or boyfriend for compensation or damages. She may also be eligible for compensation under the Criminal Injury Compensation Fund.

Resources: See the Compensation for Damages section of this handbook (section 5.10). For more information about civil litigation, see the Civil Remedies section of *Legal Process for Battered Women*, under the heading, "A Tort Action." For Criminal Injury Compensation, see the pamphlet, *Criminal Injury Compensation in British Columbia*, listed in *Resources*. Also see the Criminal Injury Compensation section of *Legal Process for Battered Women*.

Housing

The woman and her children can stay in a transition house for up to one month. Staff at a transition house will try to help her find suitable housing. There are two second-stage transition houses in B.C., where women and their children can stay for up to a further six months.

A rent subsidy is available from the Ministry of Housing. The woman will need to show a receipt from the landlord. You should know what the subsidy covers, what the woman must do to qualify, and how to apply.

If the man has been arrested or agrees to leave the home, the woman and children may be able to stay in the family home. The woman can also bring a civil action to give her the right to stay in the home with the children. Usually, she will require legal assistance to do this. If she doesn't have a lawyer or can't afford to pay one, the Legal Services Society or Community Law Office in the area can assist her.

You should keep a list of other housing options in your community, such as housing co-ops and other kinds of subsidized housing.

Counselling

Breaking out of a long-standing pattern of violence is extremely difficult and emotionally traumatic. Often, the woman will require help in re-establishing her feelings of self-worth. In every community there are agencies and organizations that offer counselling and self-help. They might include transition houses (where counselling is available both to residents and non-residents), women's centres and groups, crisis lines, mental health centres, family centres and private psychologists (for women who can afford them).

Sometimes an award under Criminal Injury Compensation can pay for counselling.

It is important to be aware of the counselling resources in your community, including resources for women whose first language is not English, and women of colour. You should be aware of the culturally specific resources and translation and immigrant help services in your area. If you are in an area where there are Community Services pages at the front of your local telephone directory, some of those services and groups will be listed there.

Resources: Under the heading of "cross-cultural" in the *Resources* section at the end of the handbook, there is a list of useful resources for lay counsellors.

The Children

It is very important to be sensitive to the needs of children at this time. Ensuring physical safety is the first and most obvious need. But often it is also essential to recognize that children will be scared and confused. Usually, they have divided loyalties, and will feel guilty that they are taking sides.

They may act out in disturbing ways, or they may withdraw. Sometimes, the mother is so absorbed in the immediate problem that she is not aware of what the children are going through. You should be sensitive to this, and talk to the mother about the children's experiences.

> *Kids need to know what is going on. You can't just change their whole life and not explain things to them. They are often confused and blame themselves for the family's problems. Sometimes the support worker can talk with the children and help them to understand that it is not something that they have done, and that it doesn't mean that their mother and father have stopped loving them. The worst thing to do is to assume that they are too young to really know what is going on, and that if they are kept safe and provided for, that is enough.*
>
> —A victim support worker

Some of the places where you can find help for the children are: family centres, youth centres, mental health offices and transition houses. The family doctor can make a referral to a psychiatrist, which will be covered by the medical plan. A referral to a psychologist is covered only under extended health care plans. Other counsellors are usually not covered by a health care plan.

Schools and daycare centres may be very helpful if they are aware of the situation. They can keep an eye on the children, and provide support and encouragement. If there is an issue of custody or access, staff should be informed if they are not to release the children to the father's care or allow the father access to the children. It is the mother's responsibility to explain this to the school or daycare. You should not relay confidential information.

4.2 Skills for Helping Battered Women

Becoming Culturally Aware

As a support worker, you need to be aware of cultural attitudes that differ from your own. When you meet a woman who is a victim of wife assault, your initial impulse may be to "take her away from all that," change the situation, and organize a new and better life for her. You may project on to her situation your own solutions to the problem. You may become impatient with her for "taking so long." You may want her to take the

kinds of actions that you feel you would take in her place.

But to provide effective support, it is important to validate the experiences of the woman, and to allow the woman space to deal with the situation from her own point of view. To do this, it is necessary to become culturally aware.

A culturally aware support worker is one who:
- is aware of how particular problems are experienced, perceived, and acted upon in a given culture; and
- has a sense of which alternatives and options might be appropriate.

A culturally sensitive support worker has an understanding of:
- how different world views and social experiences affect the ways a woman articulates her experience;
- which labels, words or concepts are acceptable to the woman in defining the problem; and
- how to access the helping resources within the woman's community.

Cultural awareness is a process. It is not something that happens overnight, or by reading the required number of books. It demands a range of personal attributes, knowledge and skills. Personal attributes include an acceptance of and an openness to differences among people. Knowledge includes familiarity with the history, traditions, values, and family systems of the women you are working with, and of their communities' help-seeking behaviours. Skills include communication techniques that take cultural cues into account.

Preparing to Work with Assaulted Women from Diverse Cultural Backgrounds

Learn as much as you can about the cultural backgrounds of the women you are working with. What are the pressures on them to stay married, no matter what? For example, in some communities women are called "whores" if they separate from their husbands. Women in these communities may feel that the choice is between being a whore who does not get beaten and a decent woman who does. It is important to take this dilemma seriously even if you yourself would have no hesitation in living with the label "whore" if that was what it took to achieve freedom from assault. Working through this dilemma takes time—there is no one, correct solution.

Do not assume that because you grew up in a particular neighbourhood you are familiar with the cultural background of the women you are working with. You need to become familiar with what it was like "back home." What attitudes toward authority were instilled in children in the woman's country of origin? Many Portuguese children, for example, sat in classrooms every day and read this slogan, "It is easier to obey than to give orders." For them, submission may seem the natural thing to do.

Gather your resources. Have brochures and questionnaires translated where necessary. Find the resource people you need—doctors, lawyers, community workers, transition house staff.

Do not work in isolation. Take steps to involve other people—for example, other members of your agency, other colleagues. Become familiar with workers at the local immigrant-serving agencies. Arrange to have educational meetings with them. Find a group of volunteers to assist in concrete tasks (translating materials, for example).

Arrange to have your own emotional needs met. Working with assaulted women is draining work and you will need ongoing support. Meet with other women doing the same work who can share your feelings and experience. For example, perhaps someone working at a transition house could meet with you regularly.

(Adapted from *Working with Assaulted Immigrant Women: a Handbook for Lay Counsellors*, by Shirley Endicott Small and Monica Riutort.)

Being Realistic

You need to keep in mind that you are there to provide assistance and support to the assaulted woman. But it is *her* life and *she* must make the decisions and take the steps that will change it.

- **Set realistic expectations for yourself**. You can provide and explain options, give the woman practical assistance, and offer moral support. It may seem kind and expedient to tell her what to do, especially if she seems confused and dependent. But, if she has been trapped for years in a situation

where she has been told what to do, transferring that dependency to you will not help her.

- **Appreciate and help the woman to appreciate realistic expectations for herself**. Just phoning for help and approaching agencies for information may be an enormous step for someone who has been victimized. An assaulted woman may not be used to getting realistic and positive feedback on her actions. You should give her positive feedback on the steps she takes.
- **Respect her timing and pace**. It is difficult to absorb new information under emotional stress. You may find that you have to explain something several times. Then there will be times when you are impatient because she seems to be moving slowly. Respect the fact that she is making tremendous changes, not only in how she lives but in how she views herself, and this cannot be done easily, smoothly and quickly. She is charting her territory.
- **Don't patronize or judge**. Try not to start statements with, "You should..." Don't say, "You should have left years ago," or "I don't see why you put up with that treatment," or "You should not go back to him."
- **Don't overwhelm her with your expertise**. She needs to see you as competent and confident, but she should not lower her self-esteem yet further by comparing herself unfavourably with you. Give her information as she needs it.
- **Show understanding for how she has tried to cope with her life** — e.g., submitting to abuse because she felt it was her duty as a good wife to accept her fate.
- **Help her analyze and understand her own feelings and actions** so that she can make decisions that she believes are best for her.
- **Never assume anything**. If you don't understand what is going on or why she is taking a certain decision or action, ask. And don't act on her behalf without discussing it with her.
- **Do not underestimate the danger the woman may be in**. Her steps towards independence and her refusal to submit silently to violence may be met with increasing hostility by her husband. If she lives within her husband's extended family, other family members may also become increasingly hostile. The woman is a better judge of her situation than you are.
- **Recognize the woman's realities**. One of the harshest realities is how a shortage of resources makes it difficult for an assaulted woman to break the pattern of violence in her life. There are housing barriers (not enough transition houses); employment barriers (limited access to training programs and ESL programs, limited access to jobs with decent wages); childcare barriers (limited daycare); and limited support services, particularly those that can provide culturally appropriate services.

These realities make it essential for you to be aware of *every* service, resource group, agency and sympathetic professional in your area.

Part 5

Assistance in the Court Process

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Part 5

Assistance in the Court Process

Introduction

An important aspect of ongoing safety and security for the assaulted woman is that the assault be dealt with in the same way as any serious crime of violence. Charges are to be laid against the assaulter and he should be brought to trial.

> *The failure by the justice system to deal decisively with acts of violence between family members lends a legitimacy to those acts which can contribute to their reoccurrence. Where, conversely, the justice system has taken swift and decisive action, there has been a significant impact on reoccurrence.*
>
> —Wife Assault, A Policy Paper of the Ministry of the Attorney General, 1983

A study in London, Ontario found that 62% of the women who proceeded to court reported that the process helped to reduce or terminate the violence (Jaffe 1981). A major reason why wife assault cases do not reach the courts is that the victims are discouraged by the justice system and the enormous difficulties it presents to them.

For a victim of wife assault, already feeling guilty and powerless and frightened, threatened by poverty, and pressured by family loyalties, it is no wonder that the complexities of the justice system prove overwhelming. If a woman is an immigrant, and does not speak English, the stresses are even greater.

The victim of wife assault is entitled to support and reinforcement from the justice system. But she can not deal with the justice system in isolation from the rest of her life. The assistance and encouragement that you give her can be a major factor in bringing wife assault cases to successful prosecution.

All support workers should be aware of the range of services provided by the Victim Assistance Program in your area. Victim Assistance Programs will be able to give you information and resources about the legal process. They will be able to answer questions you may have about steps in the process, and the role of court personnel.

Community-based Specialized Victim Assistance Programs provide information, and practical and emotional support, to victims of wife assault. Police-based and Crown-based Victim Assistance Programs can also provide assistance and information.

Become familiar with the services provided by the Crown-based Victim Assistance Program. Their mandate includes providing an orientation to the court system. They can provide you with useful materials, and may be able to arrange a court orientation session with the woman. Again, if the woman's first language is not English, you may be able to work with the Crown-based Victim Assistance Program to find an interpreter for a court orientation.

5.1 Interpreters

A woman whose first language is not English has the right to an interpreter in her dealings with the justice system. As a support worker, you can ask police and Crown counsel to provide interpreters for any interviews where the woman may need them. Crown counsel should arrange for an interpreter to be available at trial, if there is one.

Be sensitive to the woman's responses to the interpreter. She may feel intimidated about

discussing intimate details with a male interpreter. Or she may be intimidated if the interpreter is a community leader.

Check with the woman first to see if she wants a female interpreter, and let the police and Crown counsel know if she does. Then, before any of the interviews, find out who the interpreter is and let the woman know.

If you do not work in an immigrant serving agency, and you are providing services to women who need interpreters, you should develop and maintain a list of language interpretation services in your community. See the *Resources* section for the names and telephone numbers of some major agencies.

5.2 Preparation for Court

The court process is long and frustrating. You will need to be encouraging and positive. By helping the woman understand the justice system and the steps in the court process, you can help her have realistic expectations of what the system can do for her and the amount of time it may take. You will also help her begin to assume some control over events in her life.

Although the process of preparing for the assault trial is complex and time-consuming, you must keep in mind the very practical problems that the woman is also facing. Women have been unable to go to court because they lacked transportation or had no one to look after their young children.

While you provide practical assistance, information and moral support for the woman, and, if she wishes it, accompany her through every step of the process, you must resist the temptation to "take over." She needs to learn to make use of the justice system and social services and community resources to get what she needs. You will not help her if you encourage her to believe she cannot make decisions and take action on her own.

5.3 Laying Assault Charges

The court process begins when an assault charge is laid.

Wife assault is defined in the Ministry of Attorney General Wife Assault Policy as "physical assault or the threat of physical assault of women by men with whom they have, or have had an intimate relationship, whether or not they are legally married or living together at the time of the assault or threat."

There are three levels of assault defined under Section 241 of the *Criminal Code of Canada*. The first two levels, which you will most likely encounter in cases of wife assault, can generally be described as:

Level 1 Assault — Common Assault. *If someone hits you, or, standing nearby, threatens to hit you, but does not hurt you enough to interfere with your health or comfort (does not, for example, require you to get medical treatment), that is Level 1 assault.*

Level 2 Assault — Assault with a weapon or assault causing bodily harm. *If someone hurts you using a weapon such as a knife, a gun or even a stick or baseball bat, or, standing nearby, threatens to use it on you, that is Level 2 assault. If your injuries require medical treatment, even where no weapon was used, that is usually Level 2 as well.*

If the Police Were Involved

Find out whether the police responded to a call or if the woman reported that an assault had taken place.

You should also find out exactly what action was taken by the police. Did they arrest the man? Remove him from the house? Recommend a charge?

You can phone the police and ask if the attending officer(s) recommended that a charge be laid.

The Wife Assault Policy recommends that the responding officer provide the woman with a referral card containing information on legal and social services, and the case number and attending officer's name and/or identification number and telephone number.

If the woman did not receive such a card, help her contact the police station and ask for the case number and the name of the officer(s) involved and find out if a charge was recommended.

The Police Policy section of the Wife Assault Policy states that it is the responsibility of the police to recommend a charge. In most cases, the

onus is not on the victim to do so. The Policy also says that every effort should be made to arrest the suspect if the grounds to do so exist.

The police do not actually have to witness the assault. They can recommend that charges be laid if they believe an assault has occurred.

However, in spite of this policy and changes in police officers' training, police responses to wife assault are not consistent around the province.

There has always been a tendency on the part of many in our society to underestimate wife battering. Many don't understand the nature of wife assault and its incidence and seriousness in a woman's life and in society.

While estimates are that one tenth of all women who live with men as a couple will be assaulted, only a small fraction of wife assaults are reported to the police. A battered woman is almost always the victim of an ongoing crime. And unlike crime between strangers, a battered woman lives with her assailant under constant threat of violence.

A study conducted in London, Ontario, revealed that the women involved had been assaulted an average of 35 times before the police were called (Jaffe 1981). A "first offence" may simply mean that it is the first time the police have been called.

Wife assault calls present problems for police officers. The risk factor for attending officers is felt to be high. Added to this are the personal attitudes that a particular officer may bring to the situation.

Police are also frustrated and discouraged because of the repetitive nature of wife assault. If the woman belongs to a culture with which the officer is not familiar, the officer may base his or her judgments upon one or more of the prejudices discussed in Part 2 of this handbook. For example, the officer may believe that "violence is part of their culture."

If the Police Were Not Involved

If the police were not called to the assault, you should urge the woman to call the police or go to the police station and report the assault. You can accompany her. It is a good idea for her to write out exactly what happened in her own words before she goes to the station.

The sooner the assault is reported the better, so that the police can gather the evidence they need to recommend a charge.

If the Police Do Not Recommend a Charge

If the police did not recommend a charge and you believe they should have, you can try to convince them to do so. This is where your good relationship with the local police really helps. If dialogue with the officer(s) concerned does not improve the situation, you can call the senior police officer and explain why you think the Wife Assault Policy should be enforced.

If the woman is afraid that she will be assaulted again, she can apply for a peace bond or a restraining order. These measures were explained in Part 3 (Crisis Intervention).

You should also discuss the situation with the local police and make sure that they are aware that the woman may be in further danger.

5.4 Laying of Charges

Crown counsel are lawyers for the province. They receive the report from the police and decide whether a charge will be laid. The woman does not need a lawyer. The Wife Assault Policy directs Crown counsel to pursue criminal proceedings in cases of wife assault where the evidence warrants it.

Find Out if Charges Have Been Laid

To find out if charges have been laid in a wife assault case, have the woman call the Crown counsel. Look in the blue pages of the phone book under Government of B.C.—Crown counsel.

If charges have not yet been laid, try to find out when they will be. If charges are not going to be laid, try to find out why.

If charges are not laid, and if it appears that the policy has not been followed, contact the regional Crown counsel.

There are four regional Crown counsel in the province. You can get the name of the nearest one from the local offices of the Crown counsel or one of the other offices within the court. Look in the blue pages of the telephone directory under

Government of B.C.—Court Services Branch—or Crown counsel.

If a complaint to the regional Crown counsel does not resolve the problem, you can contact the Assistant Deputy Minister for the Criminal Justice Branch of the Ministry of Attorney General in Victoria.

When a Charge Has Been Laid

Once the charge has been laid, the woman becomes a key witness in the court proceedings. Crown counsel will prepare the case and go into court to present the evidence. The assaulted woman does not need a lawyer.

According to the Wife Assault Policy, Crown counsel interviews the woman before the trial date. Encourage the woman to find out as soon as possible when the meeting will be set up. She will need to be prepared to provide Crown counsel with all the necessary information.

During the meeting, Crown counsel will instruct her on what will happen during the court process, what to expect, and what will be required of her. Crown counsel will also offer her the opportunity to fill out a Victim Impact Statement. This is a statement about the effects the assault has had on her, which Crown counsel can present to the court before sentencing.

Ideally, Crown counsel will maintain contact with the woman throughout the period leading to the trial, and provide her with referrals to support services as well as explaining the court process. In reality, Crown counsel may meet infrequently with the woman or just once—sometimes on the day of the trial.

As a result, you may have to play a major role in preparing the woman for her court case. The woman will need information on:

- how the court system works,
- the steps in the process between the laying of charges and the trial,
- the number of hearings and amount of time involved,
- what will be expected of her at the hearings and at the trial,
- what her rights are, and
- the possible outcomes of the trial.

5.5 Getting Assistance

While you continue to request a meeting between the woman and Crown counsel, you should begin to prepare the woman for her court case. Agencies and groups that can provide information and assistance include: family court counsellors, Police-based or community-based Specialized Victim Assistance Programs, probation officers, transition houses, and sexual assault centres.

Court Services Staff

If there is no organization or agency familiar with the court process in your community, contact the nearest Crown office or Court Registry. Explain the situation and ask for assistance. In small communities the local Court Services staff will be a valuable source of information and guidance.

Family Court Counsellors and Probation Officers

Family court counsellors are part of the Corrections Branch of the B.C. Ministry of Attorney General. They handle family law, separation, divorce and child custody matters. While they are not lawyers and cannot provide legal advice, they do have an extensive knowledge about separation and divorce proceedings.

The referral card given to the woman by the police should include reference to a family court counsellor.

Crown counsel may also refer the woman to a family court counsellor. If Crown counsel does not make a referral, the woman can ask to see a family court counsellor. The woman does not have to be considering divorce, nor do children need to be involved. If the woman is a victim of wife assault, she has the right to see a family court counsellor.

Where there is violence or threat of violence in a relationship, the family court counsellors will provide information, assistance and referrals. This can include liaison with Crown counsel.

Family court counsellors can also make referrals to the Ministries of Social Services or Housing, to Mental Health Services, marriage counsellors, alcohol/drug treatment programs or family law lawyers.

In addition, family court counsellors can provide information regarding the obtaining, varying or enforcing of custody access and maintenance orders. They can also provide information and emotional support regarding court appearances as witnesses. They can liaise with the police on matters such as enforcement of court orders for custody or access, and restraining orders.

Probation officers and family court counsellors receive the same training. In small communities one person may fill both roles. If there is not a family court counsellor in your area, you can ask for the same assistance from the probation officer. Probation officers can be found in the blue pages of your phone book under Government of B.C.—Corrections Branch—Probation and Family Court Services.

5.6 The Court Process

Despite recent improvements, the adversarial system that serves as a fundamental principle in our courts is not always victim-oriented. This means that many of the procedures involved in the investigation and prosecution are confusing, frightening, and, at times, traumatic for the assaulted woman. The assistance, support and encouragement offered by victim support workers will be a significant factor in ensuring that the woman is able to understand and cope with the experience.

A good way to become familiar with court proceedings is to go to court and watch some trials. You want to be able to explain the process to the woman you are helping.

If possible, take the woman with you on a tour of the courtroom and observe a court case so that she feels comfortable with the surroundings and won't feel overwhelmed on the day of her own case.

Watching the Ministry of Attorney General's video, *Being a Witness*, is another good way for the woman to become familiar with court procedures. The video uses actors in a courtroom setting to demonstrate a variety of court procedures and situations. A supporting brochure reviews the basic steps in the court process and provides a list of additional sources of information and support.

The court process is as follows:

- The Crown counsel presents evidence of the assault in court.
- The woman's role is that of key witness for the Crown. She does not need a lawyer.
- The man's case is called the defence. He may have a lawyer to present his case in court.

First Appearance

When the man is charged, he is ordered to appear in court before a judge. This is called the first appearance. The charge is read and the man is asked if he pleads guilty or not guilty.

The woman does not have to be present at this hearing but she may attend if she wishes.

Two things can happen at the first appearance:

1. If the man pleads not guilty the case will go to trial at a future date.
2. If the man pleads guilty there will be no trial. The judge will move on to sentencing.

Pre-Sentence Reports

The judge may ask for a pre-sentence report to get more information before sentencing the man. The report will be prepared by a probation officer. A pre-sentence report is requested in only a minority of cases.

Victim Impact Statements

Crown counsel may ask the woman to complete a Victim Impact Statement. Crown counsel may give the statement to the judge as information for the judge to consider in sentencing. Sometimes, Crown counsel interviews the woman in order to prepare the Victim Impact Statement. Sometimes, the woman completes a form Crown counsel sends in the mail.

The responsibility for obtaining the statement rests with Crown counsel. It is important that the Victim Impact Statement be prepared as early in the case as possible. It needs to be part of the file for the judge's information if the man pleads guilty at first appearance and no pre-sentence report is requested.

If Crown counsel does not arrange for a Victim Impact Statement and you are concerned that it might not be available in time, you can help the woman prepare one. She can take the statement to the offices of the Crown counsel and ask to have it included in the file on her case.

Ask Crown counsel for a copy of the form used for the Victim Impact Statement.

Crown counsel maintains the discretion whether to submit the Victim Impact Statement to the sentencing judge, who may consider the information when sentencing the accused. Crown counsel may also make oral submissions to the court based on the Victim Impact Statement, or call the woman to the stand to testify concerning the effects of the crime.

You need to be familiar with the Victim Impact Statement. You may need to complete the statement on the woman's behalf if she is injured, or if she does not write English.

Resources: *The Victims of Crime: Victim Support Worker Handbook*, published by the Victim Assistance Program, contains a copy of the Victim Impact Statement and the accompanying letter. See Part 6 of that handbook.

You should also refer to the brief explanation of the court process and trial in the booklet, *Wife Assault: Information on Your Rights*, and become familiar with and use the *Being a Witness* series. The latter consists of a video, a user guide, and a pamphlet. The pamphlet is available in English, Chinese, Spanish, Punjabi and French.

If the Case Goes to Trial

If the man pleads not guilty at the first appearance, the judge will set a date for a trial.

Preliminary Hearing

In some cases, there will be a preliminary hearing before the trial so that the judge can decide if there is enough evidence to go to trial. The woman will have to appear in court as a witness and explain to the judge what happened during the assault.

Crown counsel will notify the woman when to appear and explain what she will be required to do. Crown counsel will also arrange for a court interpreter to be present, if the woman needs one.

As someone who is providing support to the woman, you should confirm with Crown counsel that they will notify the woman as soon as possible if there is to be a preliminary hearing. If the woman will require a court interpreter, remind Crown counsel of that fact.

If Crown counsel does not fully explain the procedure to the woman or brief her on what she will be asked, you should do so. If you are not able to do this yourself, get help from a local agency such as a Victim Assistance Program or the Crown itself.

If the judge finds that there is sufficient evidence, a date will be set for a trial.

5.7 The Trial

When the woman receives her subpoena to appear in court, be certain that she knows that she may be there for several hours. Be sure that she has been able to make any necessary babysitting arrangements and that she has transportation to the court. Make sure she knows exactly where she is supposed to go and accompany her or arrange to meet her there if required. If there is a legitimate reason why the woman cannot appear in court on the date of the trial, Crown counsel must be notified immediately.

It is possible that the trial will be adjourned. There are many reasons for delays: an earlier case could be taking longer than expected, an important witness may be absent, or the defence may have requested an adjournment for a variety of reasons. In such cases, the trial will be put off until another day and possibly rescheduled to another courtroom.

Who Will Be in the Courtroom

At the trial there will always be a judge. Sometimes there may be a jury as well.

The **court clerk** makes sure everything necessary for the trial is in place and calls the judge from chambers when the trial is to begin. The court clerk reads the charge or indictment to the accused. The court clerk also gives the oath to the witnesses before they testify. If there is an

interpreter, the court clerk also gives the interpreter's oath to the interpreter.

A **court reporter** or **recorder** will take down everything that is said during the trial.

A **sheriff** may be present to call witnesses to the stand when it is their turn to testify.

The **Crown counsel** who will prosecute the case is present.

The **defence lawyer** representing the man is present.

The **defendant** or the **accused** is present.

Members of the public may also be present. In Canada, all trials are open to the public unless a particular statute says otherwise or the court has ordered otherwise. An example of trials not open to the public are ones involving juveniles. The woman can bring with her someone to provide her with encouragement and support through the court process. You can be this support person or an additional support person if she wishes.

The Crown's Case

The Crown will present its case by first introducing all the admissible evidence which supports the charge:

- Crown counsel will present evidence to show that the assault took place.
- Crown counsel will call the woman as a witness and she will be asked questions about the assault.
- Crown counsel will call other witnesses such as the police officers, friends or neighbours, a doctor or nurse.
- Crown counsel will present any evidence such as photographs of injuries, torn clothing, medical records, or a weapon.

The Crown counsel's witnesses, including the woman, will be questioned ("cross-examined") by the lawyer for the defence.

The Defence's Case

The defence lawyer then has an opportunity to present the man's case. The same process of giving evidence and calling witnesses will be followed as for the Crown's case.

The judge may ask questions if she or he wishes more information from the defence lawyer or Crown counsel. The judge may also ask the woman questions.

Decision

After all the evidence is presented, the judge (or jury) will make a decision. If the man is found guilty, the judge may ask for a pre-sentence report. The probation officer who makes the report should consult with the woman.

The Crown counsel should have a Victim Impact Statement from her to provide the judge with information in determining the sentence. This should be in the file already in case a pre-sentence report is not requested, and the man is going to be sentenced right away.

5.8 Being a Witness

Appearing as a witness in a wife assault trial will be a difficult and emotional experience for the victim. The more information she has about the court process and what will be asked of her, the better prepared and more comfortable she will be.

If at all possible, accompany her to another trial before her own so that she can see the process in action and will feel familiar with the courtroom and the court officials. Try to attend a trial that is *not* similar to the one the victim is involved with. Observing a similar case may increase her anxiety.

If the woman's employer is reluctant to give her time off work to appear in court, she can point out that she has been subpoenaed as a witness and must, by law, appear.

The woman may be able to receive financial assistance to help with transportation expenses (and hotel expenses, if necessary) if she is subpoenaed as a witness and must travel more than 50 kilometres to reach the courtroom. She should ask the Witness Management Section of the Court Registry if she is eligible for such assistance.

The Crown counsel is required to meet with the woman before the trial to review her evidence. Use whatever means of persuasion you have to try to see that this is done before the day of the trial. Ministry of Attorney General Wife

Assault Policy states, "*Crown Counsel shall interview the victim in advance of the trial date.*"

Wife assault victims are often worried that their children will have to appear in court. Children are rarely asked to be witnesses in these cases.

At the Courthouse

Unless otherwise advised by Crown counsel, go with the woman to the Crown counsel's office upon arrival at the courthouse. You'll be advised where to wait and in which court the case will be heard. If the woman requires an interpreter for the interview with Crown counsel, contact the Crown office ahead of time to make sure that this has been arranged.

In most cases, witnesses must leave the courtroom at the beginning of the trial and wait to be called to testify. This is to ensure that their evidence will not be influenced by what the other witnesses say.

There is usually a waiting room directly outside the courtroom. Witnesses will be shown where to wait and will be paged when it is their turn to testify. Be aware that the woman may need your company because the man and the man's family may be waiting in the same area prior to court or when a recess is taken during the trial.

In the Courtroom

When the woman is called to testify she will be directed to the witness box and asked to swear or affirm to tell the truth. She will be asked to state her name, address and occupation.

> IMPORTANT:
> If the woman does not want her address revealed in court, make sure the Crown counsel is notified before the trial begins.

If the woman wants to refer to notes while giving her testimony, she must obtain the court's permission. Advise Crown counsel if you feel the woman may want to refer to notes made after the incident.

After the swearing in, Crown counsel will ask the woman questions, some of which may have been discussed before the trial. For example:

- Tell the court what happened. When? Where? What did you say? What did you do?
- What happened then? What did you do?

In responding to questions, the woman should:

- always tell the truth,
- take her time and try to remain calm,
- not be afraid to say, "I don't know,"
- ask Crown counsel, defence counsel or the judge to repeat or reword any questions that are unclear, and
- speak slowly and clearly.

Once Crown counsel has finished questioning the woman, defence counsel may ask questions (called cross-examination). Cross-examination can be an unsettling experience. The defence counsel may attempt to point out every reason why the accused should be found not guilty and may focus questions on the woman's truthfulness and any changes in the woman's recollection of events.

Following cross-examination, Crown counsel may want to ask the woman a few more questions in order to clear up any confusion that arose during cross-examination.

When the woman's testimony is completed, the judge will excuse her. If it is a preliminary hearing she must leave the courtroom. If it is a trial she may take a seat in the courtroom after she has given her evidence.

Note: Because anyone who has information bearing on the case may be called as a witness, it is possible that you, as a support worker, may be asked to testify. In that event, you would follow the same guidelines required of any witness.

5.9 Completion of the Court Process

The Verdict

The judge (or, in some cases, the jury) will decide whether or not the defendant is guilty.

If the verdict is later appealed, the transcripts of the trial and arguments from Crown and defence counsel will go to the appeal court, which decides whether or not the trial court made any errors. Witnessses are seldom called to appear at an appeal.

The appeal court can: agree or disagree with the trial court decision; change the sentence; or order a new trial. If there is a new trial, the woman would likely have to testify again.

Not Guilty

If the defendant is found not guilty, it does not mean that the judge thought the woman was lying or that it was wrong to lay the assault charge. Criminal trials follow strict rules of evidence and the law requires a finding of guilt to be "beyond a reasonable doubt."

A not guilty verdict does not necessarily mean that the whole process was useless. Being brought to trial tells the defendant that wife assault is a serious crime. That might stop him from assaulting her in the future.

If the verdict is not guilty, the woman may feel that she was the one on trial and that it was all for nothing. Try to help her see that she has taken a major step in breaking the pattern of violence and powerlessness in her life.

By going to court, she has shown the man that she will not aid him in keeping his crime secret. She has shown that she is willing to take action to protect herself, and that she knows how to do it. She knows what systems and services and resources are available to her, and she knows people who can help her. She is no longer alone and isolated.

The Sentence

If the defendant is found guilty, the judge will decide on the type and length of sentence. This may be done immediately, or may take some time. The judge may ask for a pre-sentence report to help decide.

Possible sentences include:

Conditional discharge: If the offender follows certain conditions for a certain period of time there will be no criminal record.

Suspended sentence: The offender gets a criminal record but will not have to go to jail provided that he stays out of trouble and follows certain conditions.

Probation: For a set period of time, the offender must follow all the conditions set by the judge in the probation order. Usually, one of the conditions is that the offender report to a probation officer. The probation officer must tell the woman what conditions are set in the probation order.

Conditions might include:
- the offender must not contact the woman;
- the offender must get counselling.

Jail: If the assault was very severe, or if the man has committed other criminal offences, he may be sent to jail.

Studies in Canada and the United States indicate that when abusers are charged and convicted of assault, they are 40% to 70% less likely to repeat the offence.

5.10 Compensation for Damages

Criminal Injury Compensation: The woman can apply for compensation under the *Criminal Injury Compensation Act* of British Columbia. It provides compensation, within certain limits, for personal injury that results from crime.

Charges need not have been laid, but there must be a report to the police.

The Criminal Injury Compensation program is administered by the Workers' Compensation Board. To apply, the woman can get a form from any WCB office or the police. Victim Assistance Program workers can provide information about filling out the form.

Resources: You should refer to the *Criminal Injury Compensation in British Columbia* pamphlet in the *Resources* list.

Suing her husband: The assaulted woman can sue her husband or boyfriend for compensation or damages. If she wins a civil case for damages, the judge will order the husband or boyfriend to pay her a sum of money to compensate for the pain, suffering and loss of time at work he caused.

If the woman wants to sue for damages, she should talk to a lawyer. Direct her to the Legal Services Society.

5.11 Separation and Divorce

The woman may decide that she wishes to end her marriage. She will need to talk to a lawyer. A woman in a common-law marriage may also need

legal advice, especially if property or children are involved. If she cannot afford one, you should help her contact the Legal Services Society (legal aid).

It is helpful if you know a sympathetic lawyer whose name she can fill in on the legal aid form. If the woman will need an interpreter for a legal aid interview, phone the legal aid office ahead of time and let them know.

A family court counsellor can provide counselling and some legal information. If the woman is not already working with one, have her look in the phone book under Governments—British. Columbia, Court Services, Family Court, and call to ask for an appointment with a family court counsellor. The family court counsellor will also talk with her husband. The couple can choose to speak with the family court counsellor together or separately.

Resources: The pamphlet *Wife Assault: Information on Your Rights* contains brief explanations of legal terms involved in divorce and separation such as maintenance, custody, family assets, etc.

5.12 After the Trial is Over

Once the trial is over you must make certain that the woman has begun a process of transition. Dealing with the crisis and preparing for the court case can be such an intense and emotionally charged time that when the woman leaves the courthouse she may feel lost and bewildered.

It is important for her to pursue activities and services that can help improve the quality of her life and give her support during this difficult time.

Her adjustment may be slow, and you can assist her by recommending resources and groups in the community that will help her and her children embark on the next phase of their lives.

She may be able to gain help from training programs, women's centres, job counsellors, personal and family and school counsellors, mental health centres, etc.

You should know what assistance is available to her and her children through government agencies such as Canada Employment and Immigration and the provincial Ministry of Social Services.

During the weeks or months that you have worked together, bonds will have formed and it will be difficult to close the file and walk away.

5.13 Summary of Resources for Assistance in the Court Process

Ministry of Attorney General
- Local police
- Police-based and Crown-based Victim Assistance Programs
- Community-based Specialized Victim Assistance Programs for victims of wife assault and sexual assault
- Crown Counsel
- Family court counsellors/probation officers
- Court Services staff
- Law Courts Legal Education Society

Workers' Compensation Board
- Criminal Injury Compensation

Other Community Resources
- Transition houses and second-stage houses
- Women's centres
- Crisis centres and crisis lines
- Services for non-English speaking people and various language interpreter services
- Daycare centres
- Family centres
- Native counselling and referral centres
- Sexual assault centres
- Legal Aid
- Legal Services Society
- Lawyer Referral Service

Books, Pamphlets and Audiovisual Resources
- *Wife Assault: Information on Your Rights*
- *Being a Witness:* video, user guide and pamphlet
- List of Lawyer Referral Service phone numbers
- *Legal Process for Battered Women* and *The Courtwatcher's Manual*
- Pamphlets on wife assault and sexual assault in Chinese, Punjabi and Spanish

Part 6

Conclusion

It is essential to learn how to respond to the needs of an assaulted woman in a culturally sensitive way that respects her own experience.

It is also essential to build support networks within the various communities you work with, and to establish and maintain good working relationships with the professionals within the justice and social services systems.

With a strong network to draw upon, you can offer an assaulted woman effective support because you will be both sensitive to her needs and knowledgeable about the help she can obtain.

Resources

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Vancouver *Province*. December 1, 1991.

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Resources

Brochures

Dealing with the Aftermath of a Serious Crime

This Brochure is designed to reassure victims and give suggestions for coping and getting further information or assistance.

Victim Information Line - 1-800 VICTIMS

This short brochure highlights the Victim Information Line and describes the services offered by the program.

Wife Assault: Information on Your Rights

This pamphlet describes the rights of assaulted wives, explains police and court procedures for handling wife assaults, and provides information on when and how to apply for a peace bond or restraining order. The brochure also lists other services available to help victims of wife assault.

Wife Assault: A Guide for Medical Personnel

This brochure is designed for primary care physicians and emergency department personnel. It provides guidelines for identification and treatment of battered women, and outlines procedures for documenting evidence. It also lists resources and services available to assist battered women and their children.

Criminal Injury Compensation in British Columbia

This pamphlet explains what criminal injury compensation will pay for, and how and where to apply.

Brochures are available from:

Communications and Public Affairs Division
Ministry of Attorney General
910 Government Street
Victoria, B.C. V8V 1X4
Telephone: 604/356-9596
Fax: 356-9037

Handbooks

Victims of Crime: Victim Support Worker Handbook

The focus of this handbook is on assistance to victims of property and personal crimes. As police are usually contacted first and most frequently by crime victims, the handbook will be of particular interest to victim service providers affiliated with a law enforcement agency. 1991.

Child Sexual Abuse: Victim Support Worker Handbook

The handbook addresses myths, emotional impacts, ministry policy and government responses to child sexual abuse in B.C. It outlines the victim support worker's role and responsibilities, details the communication skills victim support workers need to assist child victims, and provides information for assisting clients in the court process. 1989.

Sexual Assault: Victim Support Worker Handbook

The handbook discusses the emotional aspects and the laws concerning sexual assault in B.C. It provides step-by step instructions for handling crisis interventions and medical, police and court procedures. It also outlines skills and issues for victim support workers. March 1989.

Volunteer Management: Victim Support Worker Handbook

The handbook is a source of practical information to help coordinators set up and manage the ongoing business of volunteer recruitment, orientation, supervision and recognition. April 1991.

Handbooks are free of charge to Victim Assistance Programs. For copies, contact:

Interdisciplinary Studies
Justice Institute of B.C.
4180 West 4th Avenue
Vancouver, B.C. V6R 4J5
Telephone: 604/222-7224
Fax: 660-1875

Others requesting handbooks should contact:

Community Programs Division
Ministry of Attorney General
#210-815 Hornby Street
Vancouver, B.C. V6Z 2E6
Telephone: 604/660-2528
Fax: 660-3728

Wife Assault

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For materials on wife assault from **Battered Women's Support Services**, contact: Battered Women's Support Services, Box 1098, Postal Station A, 757 West Hastings, Vancouver, B.C. V6C 2T1.

For materials on wife assault from **Women Against Violence Against Women**, contact: WAVAW, PO Box 88584 Chinatown Postal Outlet, Vancouver, B.C. V6A 4A7.

For materials on wife assault contact: National Clearinghouse on Family Violence, Family Violence Prevention Division, Social Services Programs Branch, Health and Welfare Canada, Ottawa, Ontario K1A 1B5.

Cross-Cultural

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Pamphlets on family violence are available in Chinese from SUCCESS, 87 East Pender Street, Vancouver, B.C. V6A 1S9.

Court System

Ministry of Attorney General, B.C. **Being a Witness: video, user guide** and **pamphlets** in Chinese, Spanish, French, Punjabi and English. Ministry of Attorney General. Loan copies are available from Communications and Public Affairs Division, Ministry of Attorney General, Room 506 - 910 Government Street, Victoria, B.C. V8V 1X4.

Blackwell, Judith. **The Courtwatcher's Manual.** Describes the purpose and structure of our courts, who's who in the courtroom, and the basic details of criminal and civil procedure. Available from the Legal Services Society of B.C., Suite 300, 1140 West Pender Street, Vancouver, B.C. V6E 4G1.

Videos on Wife Assault

City File: Special Edition on Family Violence Prevention
36 minutes
SUCCESS Women's Committee, 1990

This video, designed to raise awareness of the issue of family violence, is a docu-drama production of vignettes tied together with commentary interviews in the areas of wife abuse, child abuse and abuse of elderly people. The video is produced in three different language versions: Cantonese, English subtitles, and Vietnamese dubbing.

Order from: SUCCESS Women's Committee, 87 East Pender Street, Vancouver, B.C. V6A 1S9.

In Our Best Interests, Part I
The Domestic Abuse Intervention Project, Duluth, Minnesota

Thirteen three- to five-minute scenes depicting a batterer using one or more of the abusive tactics on the Power and Control Wheel against his partner. These scenes are used to begin group analysis and discussion.

In Our Best Interests, Part II
The Domestic Abuse Intervention Project, Duluth, Minnesota

Four 20- to 23-minute lectures including:
- Tactics of batterers
- Cultural facilitators of battering
- Why do I feel crazy?
- Women's rage

Order from: Domestic Abuse Intervention Project, 206 West Fourth Street, Duluth, Minnesota, U.S.A. 55806.

No Small Matter
30 minutes
The Public Legal Education Society

This video features a play about family violence in the South Asian community, followed by interviews with members of the community. Written and performed by the Punjabi theatre group, SATH, it is designed to promote discussion. The video is in Punjabi and is dubbed into Hindi and English.

Order from: Public Legal Education Society, 900 Howe Street, Vancouver, B.C. V6Z 2M4.

One Hit Leads to Another
Time: 15 minutes
Victoria Women's Transition House, 1990

An excellent video for public education purposes as well as service providers, victims of wife assault, or abusers. It provides information about the nature and dynamics of wife assault.

A Place of Peace (3 parts)
90 minutes (approximately 30 minutes for each part)
B.C./Yukon Society of Transition Houses, 1990

A Place of Peace includes three programs. Each looks at a different aspect of family violence.
Part 1: *A Place of Peace for Women*, explains that wife battering is a crime and describes the various types of help available.
Part 2: *A Place of Peace for Rural Women*, explores the different options rural women face.
Part 3: *She Fell into My Fist*, is an interview with a former abuser.

One Hit Leads to Another and *A Place of Peace* are available on loan from the Legal Resource Centre, Legal Services Society, Suite 200, 1140 West Pender Street, Vancouver, B.C. V6R 4G1.

Information About the Law

Know the Law and Your Rights
Information on Dial-a-Law
Vancouver 604/687-4680
Outside Vancouver 1-800/972-0956

Do You Need Legal Advice? ~ the Lawyer Referral Service
B.C. Branch of the Canadian Bar Association
Phone numbers for quick legal information and advice.

Resources for Victims of Wife Assault
Wife Abuse: A Bibliography of Materials Available at the Justice Institute
Books, selected articles, audio-visual materials.

Community Resource List
Fill in the local numbers for speedy reference

Emergency Services

Police: _____

Hospital: _____

Crisis Centre: _____

Sexual Assault Centre: _____

Victim Assistance Program: _____

MSS Emergency Services: _____

Helpline for Children: _____

Emergency Translation: _____

Shelter and Women's Support Services

Transition House or Safe Shelter: _____

Support Groups for Battered Women: _____

Women's Centre: _____

Legal Services

Legal Services Society or Community Law Office: _____

Crown Counsel's office: _____

Justice of the Peace: _____

Probation and Parole: _____

Family Court Counsellors: _____

Immigrant and Employment Services

Canada Employment and Immigration Office: _____

Immigrant Reception Centre: _____

Community Cultural Organizations and Services

Immigrant and Visible Minority Women in B.C.: 228-9240

Vancouver and Lower Mainland Multicultural Family Support Services Society: 436-1025

MOSAIC: 254-9626

OASIS: 324-8186

SUCCESS: 684-1628

Surrey/Delta Immigrant Services Society: 597-0205

Inland Refugee Society of B.C.: 251-3360

Immigrant Services Society of B.C.: 684-2561

Family Services: _____

Neighbourhood Houses: _____

_____

_____

Local translation services: _____

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